PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:	Jason G. Lang et al.	Examiner:	Kurt C. Rowan
Serial No.:	10/714,751	Group Art Unit:	3643
Confirmation No.:	3348	Docket No.:	117P1846US01
Filed:	November 17, 2003		
Title:	RODENT TRAP		

APPEAL BRIEF

Mail Stop: Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is an appeal from the Office Action mailed February 14, 2006 rejecting claims 1-48. The Notice of Appeal was filed via facsimile on May 11, 2006. Accordingly, the due date for the Appeal Brief is July 11, 2006. The Appeal Brief was filed with a request for a one month extension of time on August 9, 2006. A Notification of Non-Compliant Appeal Brief was mailed August 22, 2006. This Appeal Brief is being submitted in reply to the Notification of Non-Compliant Appeal Brief.

The fee required under 37 CFR §41.20(b)(2) for the appeal and the fee for the extension of time was authorized to be charged to Deposit Account No. 50-0549 when the Appeal Brief was originally filed on August 9, 2006. Therefore, no additional fees are due.

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REAL PARTY IN INTEREST

The real party in interest is Ecolab Inc., the assignee of the patent application, as evidenced by the Assignment recorded on February 23, 2004 at Reel 014367, Frame 0225.

RELATED APPEALS AND INTERFERENCES

Appellants, Appellants' legal representative, and the assignee are not aware of any appeals or interference proceedings before the U.S. Patent and Trademark Office that will directly affect, be directly affected by, or have a bearing on the Board's decision in this appeal.

STATUS OF CLAIMS

Claims 1-48 have been rejected, and claims 49-51 have been withdrawn as being directed to an invention that is independent or distinct from the invention. Therefore, claims 1-48 are the claims being appealed.

In the Office Action dated July 16, 2004, the Examiner required the election of a species, and the Examiner identified two patentably distinct species (Figures 1-8 and 14 and Figures 9-13). Applicants elected the first species (Figures 1-8 and 14) for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. The claims indicated to be readable on the elected species are: claims 4, 16, and 29-48. The remaining claims (claims 1-3, 5-15, and 17-28) were deemed to be generic.

STATUS OF AMENDMENTS

No Amendments have been filed subsequent to the rejection of claims 1-48 in the Office Action mailed February 14, 2006.

The Appendix containing a listing of the claims involved in the appeal incorporate all of the amendments made by Appellants.

SUMMARY OF CLAIMED SUBJECT MATTER

A concise explanation of the invention for each of the independent claims involved in the appeal is as follows:

Claim 1

Claim 1 recites a rodent trap comprising a wall portion, a floor portion, a front portion, a top portion, and sides configured and arranged to define a cavity. The wall portion and the front portion are interconnected by the floor portion, the top portion, and the sides. The cavity is between the wall portion and the front portion and is configured and arranged to contain a rodent. A trap assembly provides access to the cavity. The trap assembly allows the rodent to enter the cavity and prevents the rodent from exiting the cavity. The wall portion, the floor portion, the front portion, the top portion, the sides, and the trap assembly form an area of confinement in which the rodent is trapped to prevent escape of the rodent from the cavity. A removable insert receptacle is configured and arranged to be housed within the cavity proximate the trap assembly. The removable insert receptacle is configured and arranged to contain the rodent within the cavity, and the removable insert receptacle is made of a non-destructible material thereby further preventing escape of the rodent.

An exemplary embodiment of the claimed subject matter is shown in Figure 1, an exploded perspective view:

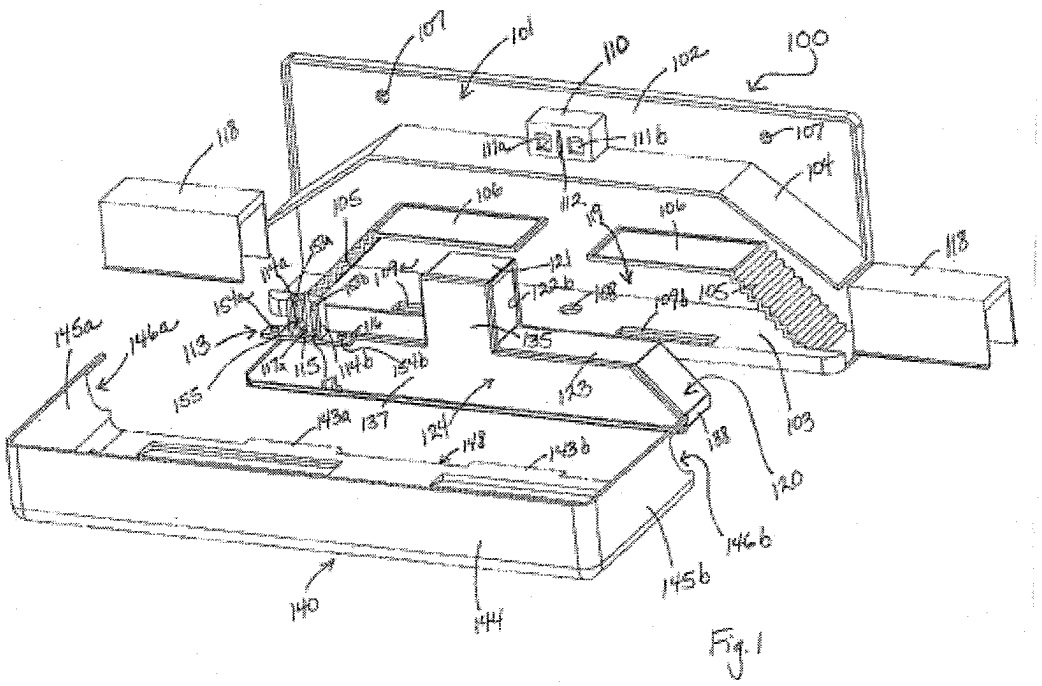


Fig. 1

In this exemplary embodiment, as shown in Figure 1 and described on page 6 line 12 through page 11 line 14, the wall portion 102 and the front portion 141 (shown in Figure 7) are interconnected by the floor portion 103, the top portion 144, and the sides 145a and 145b. The cavity 119 is between the wall portion 102 and the front portion 141 and is configured and arranged to contain a rodent. A trap assembly 118 (which is supported by the platform 106 in the embodiment shown in Figure 1) provides access to the cavity 119. The trap assembly 118 allows the rodent to enter the cavity 119 and prevents the rodent from exiting the cavity 119. The wall portion 102, the floor portion 103, the front portion 141, the top portion 144, the sides

145a and 145b, and the trap assembly 118 form an area of confinement in which the rodent is trapped to prevent escape of the rodent from the cavity 119. A removable insert receptacle 120 is configured and arranged to be housed within the cavity 119 proximate the trap assembly 118. The removable insert receptacle 120 is configured and arranged to contain the rodent within the cavity 119, and the removable insert receptacle 120 is made of a non-destructible material thereby further preventing escape of the rodent.

Another exemplary embodiment of the claimed subject matter is shown in Figure 9, an exploded perspective view:

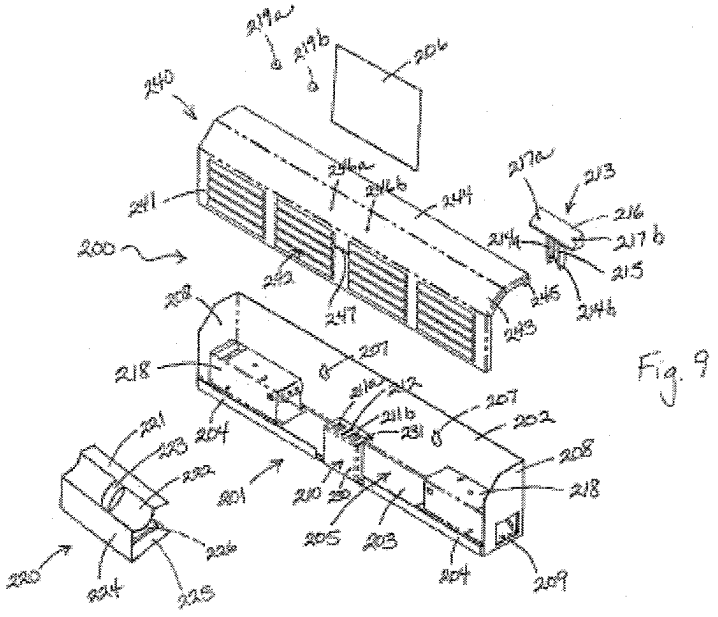


Fig. 9

In this exemplary embodiment, as shown in Figure 9 and described on page 12 line 18 through page 15 line 11, the wall portion 202 and the front portion 241 are interconnected by the floor portion 203, the top portion 244, and the sides 208. The cavity 205 is between the wall

portion 202 and the front portion 241 and is configured and arranged to contain a rodent. A trap assembly 218 provides access to the cavity 205. The trap assembly 218 allows the rodent to enter the cavity 205 and prevents the rodent from exiting the cavity 205. The wall portion 202, the floor portion 203, the front portion 241, the top portion 244, the sides 208, and the trap assembly 218 form an area of confinement in which the rodent is trapped to prevent escape of the rodent from the cavity 205. A removable insert receptacle 220 is configured and arranged to be housed within the cavity 205 proximate the trap assembly 218. The removable insert receptacle 220 is configured and arranged to contain the rodent within the cavity 205, and the removable insert receptacle 220 is made of a non-destructible material thereby further preventing escape of the rodent.

Claim 8

Claim 8 recites a rodent trap comprising a base, a cover, a trap assembly, and a metal removable insert receptacle. The base has a wall portion operatively connected to a floor portion. The cover has a front portion, a top, and sides. The top and the sides interconnect the wall portion and the front portion. The base and the cover cooperate to define a cavity therebetween. The cavity is configured and arranged to contain a rodent between the base and the cover. The trap assembly provides access to the cavity. The base, the cover, and the trap assembly form an area of confinement in which the rodent is trapped to prevent escape of the rodent from the cavity. The metal removable insert receptacle is configured and arranged to fit

within the cavity proximate the trap assembly to contain the rodent within the cavity. The metal removable insert receptacle prevents the rodent from gnawing and clawing through the metal removable insert receptacle thereby further preventing escape of the rodent.

An exemplary embodiment of the claimed subject matter is shown in Figure 1, an exploded perspective view:

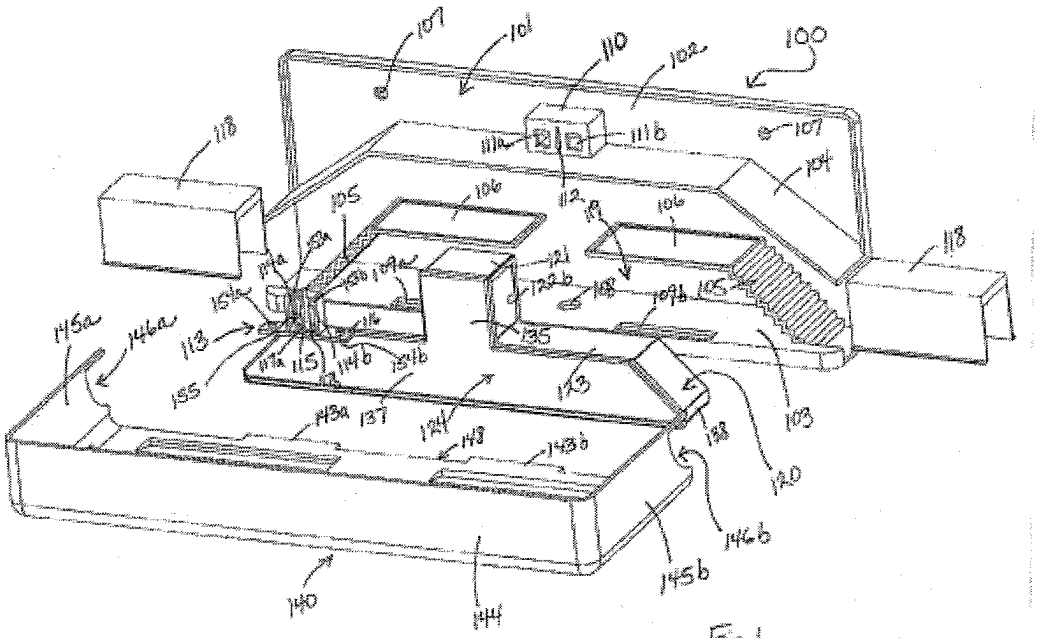


Fig. 1

In this exemplary embodiment, as shown in Figure 1 and described on page 6 line 12 through page 11 line 14, the base 101 has a wall portion 102 operatively connected to a floor portion 103. The cover 140 has a front portion 141, a top 144, and sides 145a and 145b. The top 144 and the sides 145a and 145b interconnect the wall portion 102 and the front portion 141. The base 101 and the cover 140 cooperate to define a cavity 119 therebetween. The cavity 119

is configured and arranged to contain a rodent between the base 101 and the cover 140. The trap assembly 118 provides access to the cavity 119. The base 101, the cover 140, and the trap assembly 118 form an area of confinement in which the rodent is trapped to prevent escape of the rodent from the cavity 119. The metal removable insert receptacle 120 is configured and arranged to fit within the cavity 119 proximate the trap assembly 118 to contain the rodent within the cavity 119. The metal removable insert receptacle 120 prevents the rodent from gnawing and clawing through the metal removable insert receptacle 120 thereby further preventing escape of the rodent.

Claim 12

Claim 12 recites a rodent trap comprising a housing, a trap assembly, and a removable insert receptacle. The housing includes a cavity configured and arranged to contain a rodent within the housing. The trap assembly provides access to the cavity. The housing and the trap assembly form an area of confinement in which the rodent is trapped to prevent escape of the rodent from the cavity. The removable insert receptacle is configured and arranged to fit within the cavity proximate the trap assembly to contain the rodent. The removable insert receptacle is made of a non-destructible material thereby preventing the rodent from gnawing and clawing through the removable insert receptacle.

An exemplary embodiment of the claimed subject matter is shown in Figure 1, an exploded perspective view:

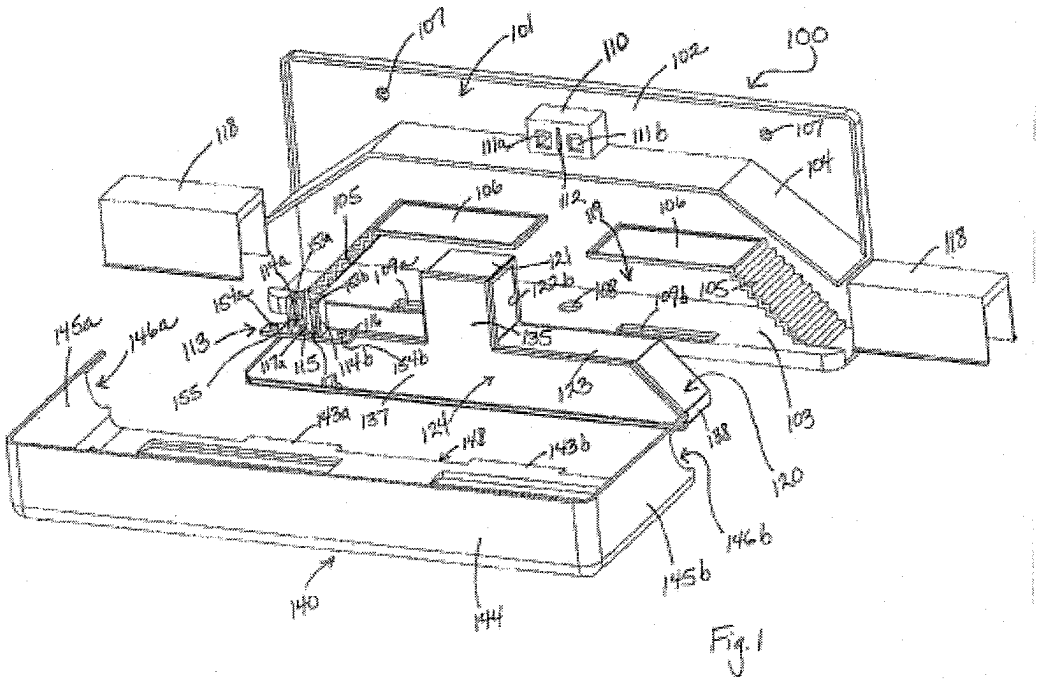


Fig. 1

In this exemplary embodiment, as shown in Figure 1 and described on page 6 line 12 through page 11 line 14, the housing 101 and 140 includes a cavity 119 configured and arranged to contain a rodent within the housing 101 and 140. The trap assembly 118 (which is supported by the platform 106 in the embodiment shown in Figure 1) provides access to the cavity 119. The housing 101 and 140 and the trap assembly 118 form an area of confinement in which the rodent is trapped to prevent escape of the rodent from the cavity 119. The removable insert receptacle 120 is configured and arranged to fit within the cavity 119 proximate the trap assembly 118 to contain the rodent. The removable insert receptacle 120 is made of a non-

destructible material thereby preventing the rodent from gnawing and clawing through the removable insert receptacle 120.

Another exemplary embodiment of the claimed subject matter is shown in Figure 9, an exploded perspective view:

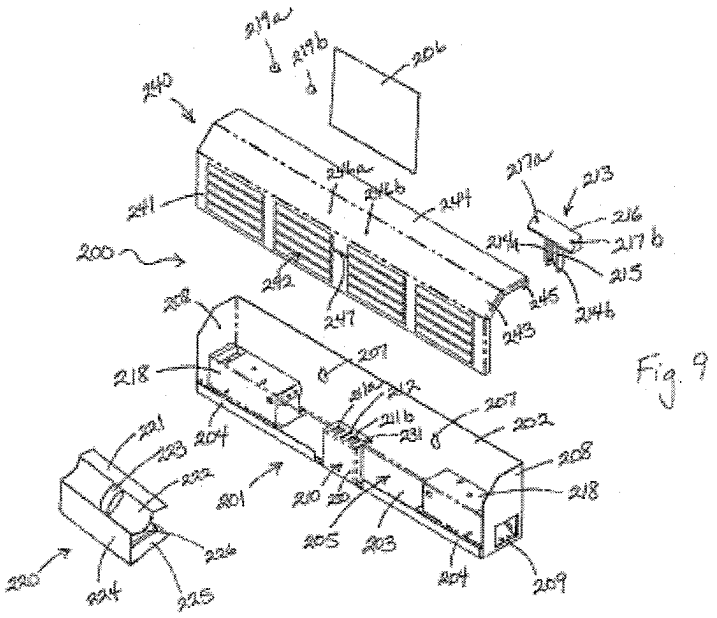


Fig. 9

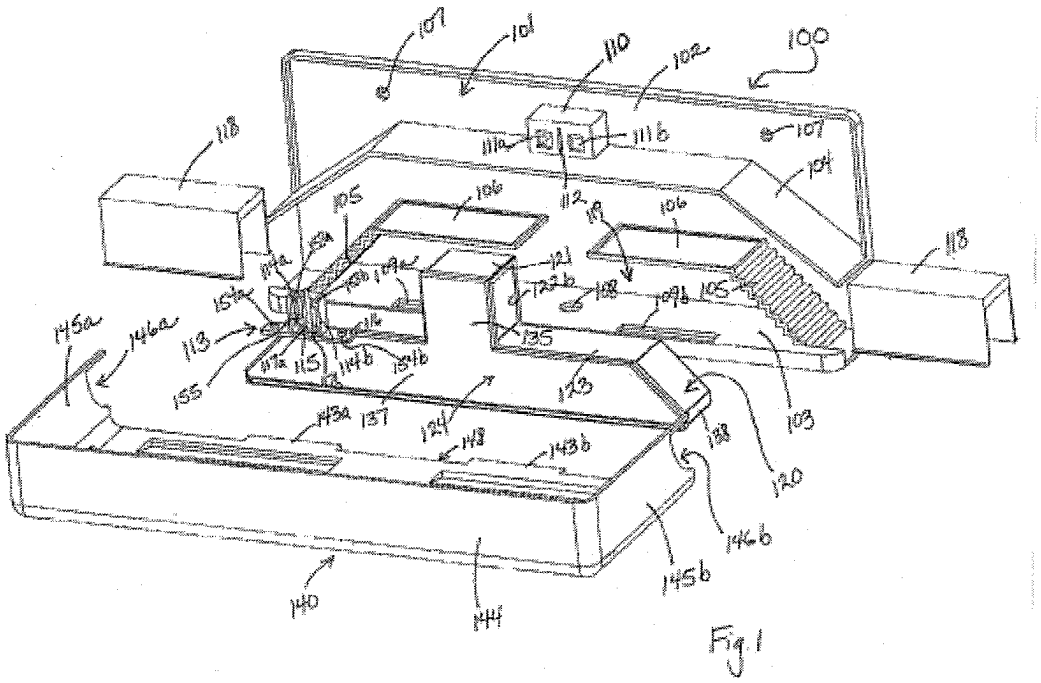
In this exemplary embodiment, as shown in Figure 9 and described on page 12 line 18 through page 15 line 11, the housing 201 and 240 includes a cavity 205 configured and arranged to contain a rodent within the housing 201 and 240. The trap assembly 218 provides access to the cavity 205. The housing 201 and 240 and the trap assembly 218 form an area of confinement in which the rodent is trapped to prevent escape of the rodent from the cavity 205. The removable insert receptacle 220 is configured and arranged to fit within the cavity 205 proximate the trap assembly 218 to contain the rodent. The removable insert receptacle 220 is made of a

non-destructible material thereby preventing the rodent from gnawing and clawing through the removable insert receptacle 220.

Claim 18

Claim 18 recites a rodent trap comprising a base, a trap assembly, and a housing. The base has a wall portion and a cavity. The wall portion is configured and arranged to be operatively connected to a wall. The trap assembly provides access to the cavity. The trap assembly allows the rodent to enter the cavity and prevents the rodent from exiting the cavity. The housing covers the base and has an opening allowing access to the trap assembly and the cavity. The housing encloses the cavity to contain the rodent within the cavity. The base, the trap assembly, and the housing form an area of confinement in which the rodent is trapped to prevent escape of the rodent from the cavity. The housing has an appearance resembling a vent. The housing covers the base and appears to be a vent operatively connected to the wall.

An exemplary embodiment of the claimed subject matter is shown in Figure 1, an exploded perspective view:



In this exemplary embodiment, as shown in Figure 1 and described on page 6 line 12 through page 11 line 14, the base 101 has a wall portion 102 and a cavity 119. The wall portion 102 is configured and arranged to be operatively connected to a wall. The trap assembly 118 (which is supported by the platform 106 in the embodiment shown in Figure 1) provides access to the cavity 119. The trap assembly 118 allows the rodent to enter the cavity 119 and prevents the rodent from exiting the cavity 119. The housing 140 covers the base 101 and has an opening 146a and/or 146b allowing access to the trap assembly 118 and the cavity 119. The housing 140 encloses the cavity 119 to contain the rodent within the cavity 119. The base 101, the trap

assembly 118, and the housing 140 form an area of confinement in which the rodent is trapped to prevent escape of the rodent from the cavity 119. The housing 140 has an appearance resembling a vent. The housing 140 covers the base 101 and appears to be a vent operatively connected to the wall.

Claim 23

Claim 23 recites a device for trapping a rodent comprising a cover, a base, a removable insert receptacle, a trap assembly, and at least one opening in the cover. The cover and the base define a cavity and are configured and arranged to resemble a vent operatively connected to a wall. The cover is inter-fitting on the base. The removable insert receptacle is inside the cavity and is configured and arranged to contain a rodent within the cavity. The removable insert receptacle is removable from the cavity to assist in readily disposing of the rodent. The trap assembly provides access to the cavity and the removable insert receptacle. The trap assembly allows the rodent to enter the removable insert receptacle within the cavity and prevents the rodent from exiting the removable insert receptacle thereby trapping the rodent within the removable insert receptacle. The at least one opening in the cover allows access to the trap assembly, the cavity, and the removable insert receptacle. The cover, the base, and the trap assembly form an area of confinement in which the rodent is trapped to prevent escape of the rodent from the cavity. The removable insert receptacle further prevents escape of the rodent from the cavity during disposal of the rodent from the cavity.

An exemplary embodiment of the claimed subject matter is shown in Figure 1, an exploded perspective view:

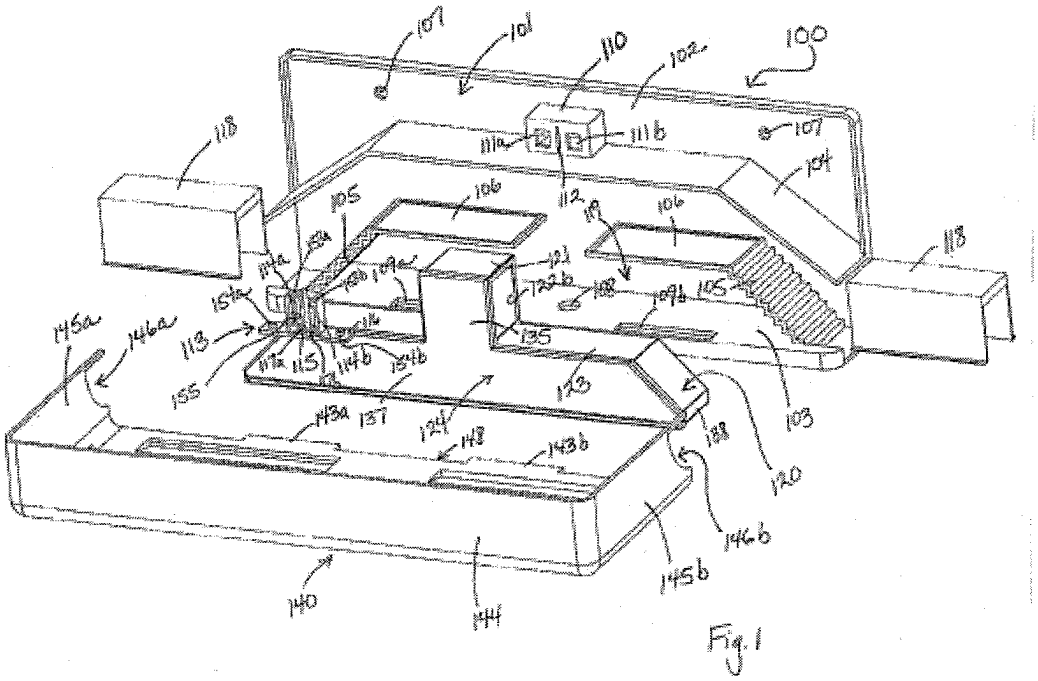


Fig. 1

In this exemplary embodiment, as shown in Figure 1 and described on page 6 line 12 through page 11 line 14, the cover 140 and the base 101 define a cavity 119 and are configured and arranged to resemble a vent operatively connected to a wall. The cover 140 is inter-fitting on the base 101. The removable insert receptacle 120 is inside the cavity 119 and is configured and arranged to contain a rodent within the cavity 119. The removable insert receptacle 120 is removable from the cavity 119 to assist in readily disposing of the rodent. The trap assembly 118 provides access to the cavity 119 and the removable insert receptacle 120. The trap assembly 118 (which is supported by the platform 106 in the embodiment shown in Figure 1)

allows the rodent to enter the removable insert receptacle 120 within the cavity 119 and prevents the rodent from exiting the removable insert receptacle 120 thereby trapping the rodent within the removable insert receptacle 120. The at least one opening 146a and/or 146b in the cover 140 allows access to the trap assembly 118, the cavity 119, and the removable insert receptacle 120. The cover 140, the base 101, and the trap assembly 118 form an area of confinement in which the rodent is trapped to prevent escape of the rodent from the cavity 119. The removable insert receptacle 120 further prevents escape of the rodent from the cavity 119 during disposal of the rodent from the cavity 119.

Claim 29

Claim 29 recites a rodent trap comprising a base, a cover, a platform, climbing assisting members, and a trap assembly. The base includes a wall portion operatively connected to a floor portion. The cover includes a front portion, a top, and sides. The top and the sides interconnect the wall portion and the front portion. The base and the cover cooperate to define a cavity between the wall portion and the front portion. The cover includes an opening allowing access to the cavity. The cavity is configured and arranged to contain a rodent. The platform is operatively connected to the wall portion within the cavity. The platform is elevated with respect to the floor portion. The climbing assisting members extend at an upward angle proximate the floor portion and the opening in the cover to the platform. The climbing assisting members allow the rodent to climb from the floor portion to the platform. The trap assembly is operatively

connected to the platform within the cavity proximate the climbing assisting members. The trap assembly allows the rodent to enter the cavity and prevents the rodent from exiting the cavity. The trap assembly provides an only entrance into the cavity. The platform elevates the trap assembly thereby assisting in preventing contaminants from entering the trap assembly. The cover also assists in preventing contaminants from entering the cavity. The wall portion, the floor portion, the front portion, the top, the platform, the climbing assisting members, and the trap assembly form an area of confinement in which the rodent is trapped thereby preventing escape of the rodent from the cavity.

An exemplary embodiment of the claimed subject matter is shown in Figure 1, an exploded perspective view:

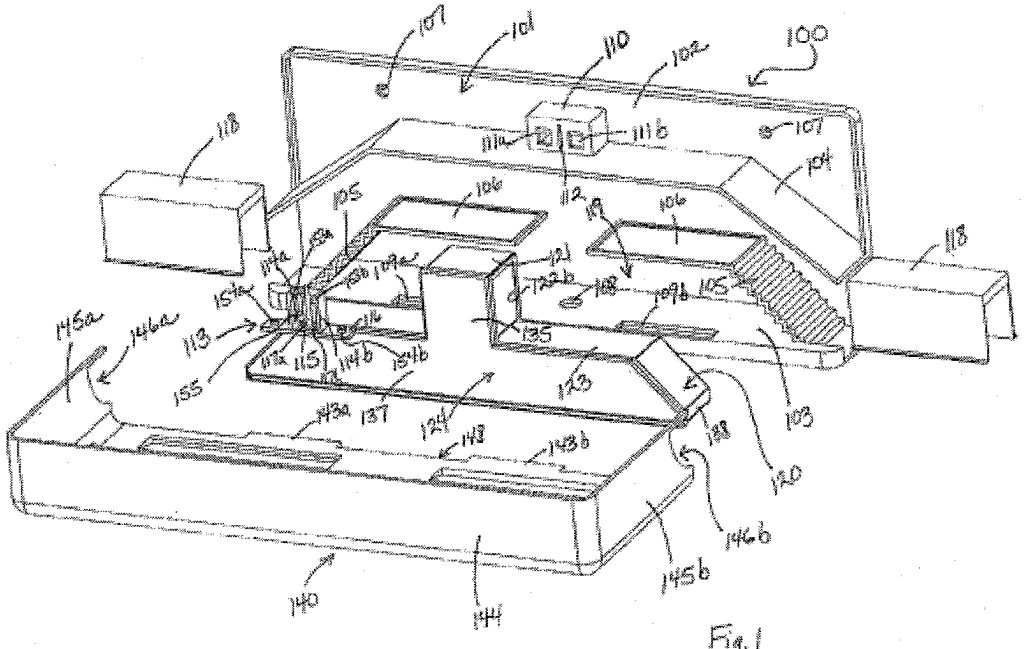


Fig. 1

In this exemplary embodiment, as shown in Figure 1 and described on page 6 line 12 through page 11 line 14, the base 101 includes a wall portion 102 operatively connected to a floor portion 103. The cover 140 includes a front portion 141 (shown in Figure 7), a top 144, and sides 145a and 145b. The top 144 and the sides 145a and 145b interconnect the wall portion 102 and the front portion 141. The base 101 and the cover 140 cooperate to define a cavity 119 between the wall portion 102 and the front portion 141. The cover 140 includes an opening 146a and/or 146b allowing access to the cavity 119. The cavity 119 is configured and arranged to contain a rodent. The platform 106 is operatively connected to the wall portion 102 within the cavity 119. The platform 106 is elevated with respect to the floor portion 103. The climbing assisting members 105 extend at an upward angle proximate the floor portion 103 and the opening 146a and/or 146b in the cover 140 to the platform 106. The climbing assisting members 105 allow the rodent to climb from the floor portion 103 to the platform 106. The trap assembly 118 (which is supported by the platform 106 in the embodiment shown in Figure 1) is operatively connected to the platform 106 within the cavity 119 proximate the climbing assisting members 105. The trap assembly 118 allows the rodent to enter the cavity 119 and prevents the rodent from exiting the cavity 119. The trap assembly 118 provides an only entrance into the cavity 119. The platform 106 elevates the trap assembly 118 thereby assisting in preventing contaminants from entering the trap assembly 118. The cover 140 also assists in preventing contaminants from entering the cavity 119. The wall portion 102, the floor portion 103, the front portion 141, the top 144, the platform 106, the climbing assisting members 105, and the trap

assembly 118 form an area of confinement in which the rodent is trapped thereby preventing escape of the rodent from the cavity 119.

Claim 37

Claim 37 recites a rodent trap comprising a base, a cover, climbing assisting members, and a trap assembly. The base has a wall portion operatively connected to a floor portion. The wall portion includes an elevated platform. The cover cooperates with the base to define a cavity. The cavity contains the elevated platform. The climbing assisting members interconnect the floor portion and the elevated platform. The trap assembly is operatively connected to the elevated platform. The elevated platform elevates the trap assembly within the cavity relative to the floor portion. The base, the cover, and the elevated platform assist in preventing contaminants from entering the trap assembly and the cavity. The wall portion, the floor portion, the elevated platform, the cover, the climbing assisting members, and the trap assembly form an area of confinement in which the rodent is trapped to prevent escape of the rodent from the cavity.

An exemplary embodiment of the claimed subject matter is shown in Figure 1, an exploded perspective view:

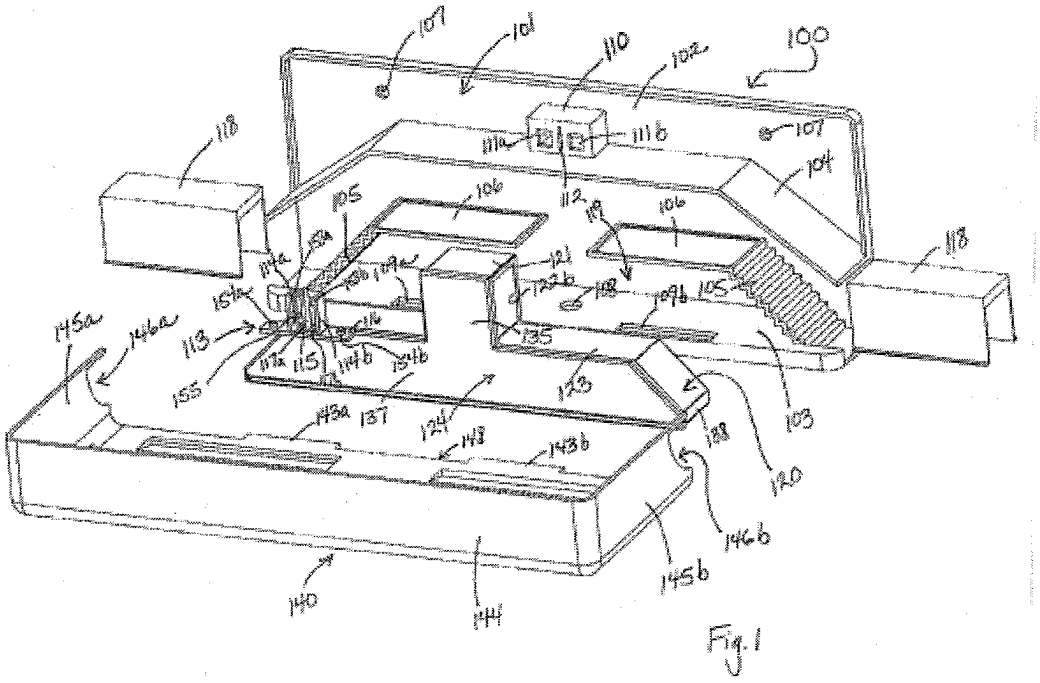


Fig. 1

In this exemplary embodiment, as shown in Figure 1 and described on page 6 line 12 through page 11 line 14, the base 101 has a wall portion 102 operatively connected to a floor portion 103. The wall portion 102 includes an elevated platform 106. The cover 140 cooperates with the base 101 to define a cavity 119. The cavity 119 contains the elevated platform 106. The climbing assisting members 105 interconnect the floor portion 103 and the elevated platform 106. The trap assembly 118 (which is supported by the platform 106 in the embodiment shown in Figure 1) is operatively connected to the elevated platform 106. The elevated platform 106 elevates the trap assembly 118 within the cavity 119 relative to the floor portion 103. The base

101, the cover 140, and the elevated platform 106 assist in preventing contaminants from entering the trap assembly 118 and the cavity 119. The wall portion 102, the floor portion 103, the elevated platform 106, the cover 140, the climbing assisting members 105, and the trap assembly 118 form an area of confinement in which the rodent is trapped to prevent escape of the rodent from the cavity 119.

Claim 43

Claim 43 recites a rodent trap comprising a housing, an elevated trap assembly, and climbing assisting members. The housing includes a cavity and an opening. The cavity is configured and arranged to contain a rodent. The elevated trap assembly is contained within the cavity. The opening provides access to the elevated trap assembly and the elevated trap assembly provides access to the cavity. The trap assembly allows the rodent to enter the cavity and prevents the rodent from exiting the cavity. The climbing assisting members assist the rodent in accessing the trap assembly and entering the cavity. The housing, the elevated trap assembly, and the climbing assisting members form an area of confinement in which the rodent is trapped to prevent escape of the rodent from the cavity. The trap assembly provides an only entrance into the cavity thereby hindering contaminants from entering the cavity through the elevated trap assembly.

An exemplary embodiment of the claimed subject matter is shown in Figure 1, an exploded perspective view:

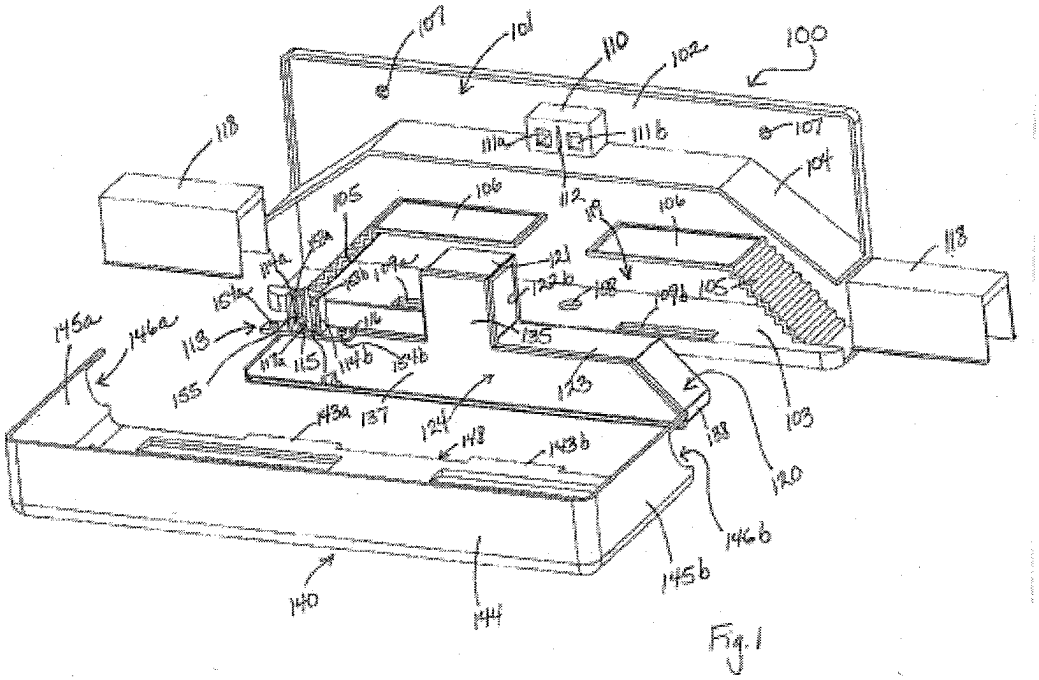


Fig. 1

In this exemplary embodiment, as shown in Figure 1 and described on page 6 line 12 through page 11 line 14, the housing 101 and 140 includes a cavity 119 and an opening 146a and/or 146b. The cavity 119 is configured and arranged to contain a rodent. The elevated trap assembly 118 is contained within the cavity 119. The opening 146a and/or 146b provides access to the elevated trap assembly 118 and the elevated trap assembly 118 provides access to the cavity 119. The trap assembly 118 (which is supported by the platform 106 in the embodiment shown in Figure 1) allows the rodent to enter the cavity 119 and prevents the rodent from exiting the cavity 119. The climbing assisting members 105 assist the rodent in accessing the trap

assembly 118 and entering the cavity 119. The housing 101 and 140, the elevated trap assembly 118, and the climbing assisting members 105 form an area of confinement in which the rodent is trapped to prevent escape of the rodent from the cavity 119. The trap assembly 118 provides an only entrance into the cavity 119 thereby hindering contaminants from entering the cavity 119 through the elevated trap assembly 118.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1, 2, 4-9, and 11-48 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,016,623 to Celestine in view of U.S. Patent 4,138,796 to Souza.

Claims 3 and 10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,016,623 to Celestine in view of U.S. Patent 4,138,796 to Souza and further in view of U.S. Patent 6,389,738 to Denny et al.

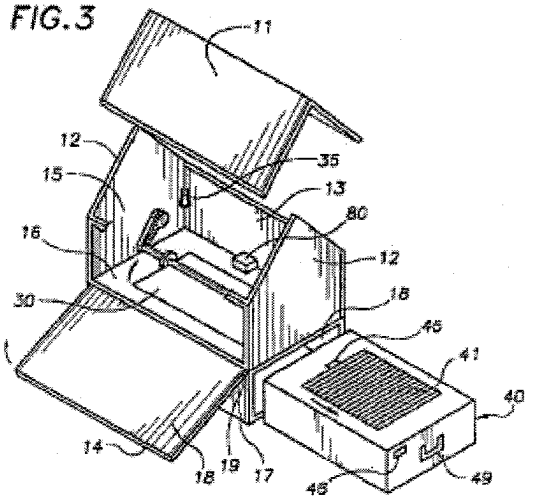
ARGUMENTS

Rejection of claims 1, 2, 4-9, and 11-48 under 35 U.S.C. 103(a) over U.S. Patent 6,016,623 to Celestine in view of U.S. Patent 4,138,796 to Souza

Celestine

Celestine discloses a rodent trap including an entry ramp 14 the rodent uses to enter a central housing interior 15 in which a rotating trap door 30 is positioned. After entering the central housing interior 15, the rodent falls through the rotating trap door 30 and into a rodent box 40 received by an insertion opening 18 in the housing's lower section 17. The rodent box 40 includes a spring biased sliding cover 41 that automatically slides to an opened position when the box is inserted into the housing and automatically closes when removed from the housing. The rodent trap 40 is shown in Figure 3 as follows:

FIG. 3



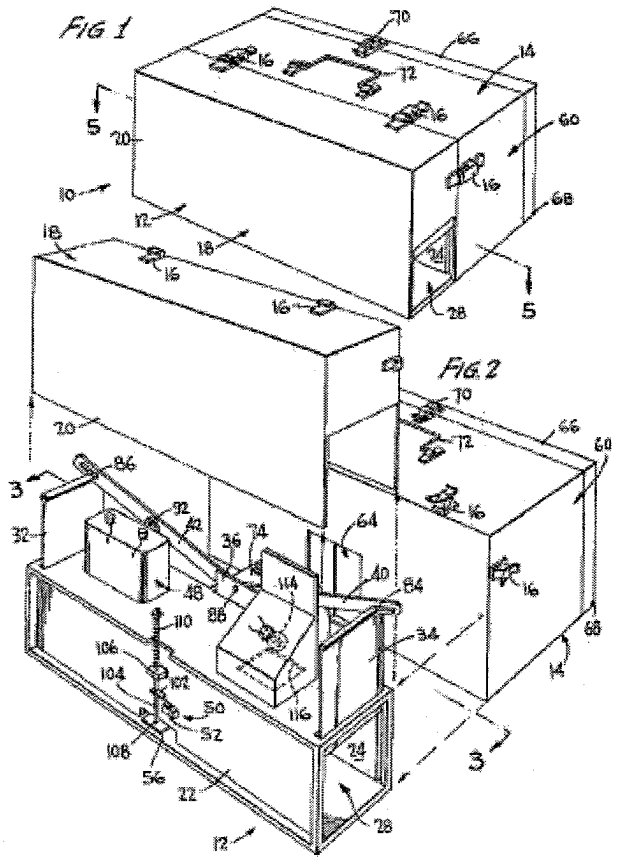
Once the rodent has gone through the rotating trap door 30 and into the cavity of the housing's lower portion 17, the rodent box 40 is required to keep the rodent in the cavity because the lower portion 17 includes an insertion opening 18 into which the rodent box 40 is inserted and removed from the housing. Without the rodent box 40, the rodent can escape through the insertion opening 18. The rodent box 40 is not an optional feature as it is required for the rodent trap to function properly.

It is the rodent box 40 that contains the rodent and forms an area of confinement to prevent escape of the rodent, not the rodent trap cavity in which the rodent box 40 is housed as recited in the claims of the present application. If the housing's lower portion 17 of Celestine formed an area of confinement as claimed, it would destroy the intended function of the rodent trap because there would no longer be an easy way to dispose of the rodent as is the case with the rodent box 40 slid into and out of the cavity through the insertion opening 18.

The Office Actions dated August 23, 2005 and February 14, 2006 state that Celestine does not contemplate using the rodent trap without the rodent box 40. Applicants respectfully submit there is no teaching or suggestion to have an area of confinement without the rodent box 40 as recited in the claims of the present application because if the rodent box 40 were not present, the rodent would escape through the insertion opening 18. Without the removable insert receptacle of the claimed invention, the rodent trap would still trap the rodent. Therefore, it is respectfully submitted that the claims are not obvious in view of Celestine.

Souza

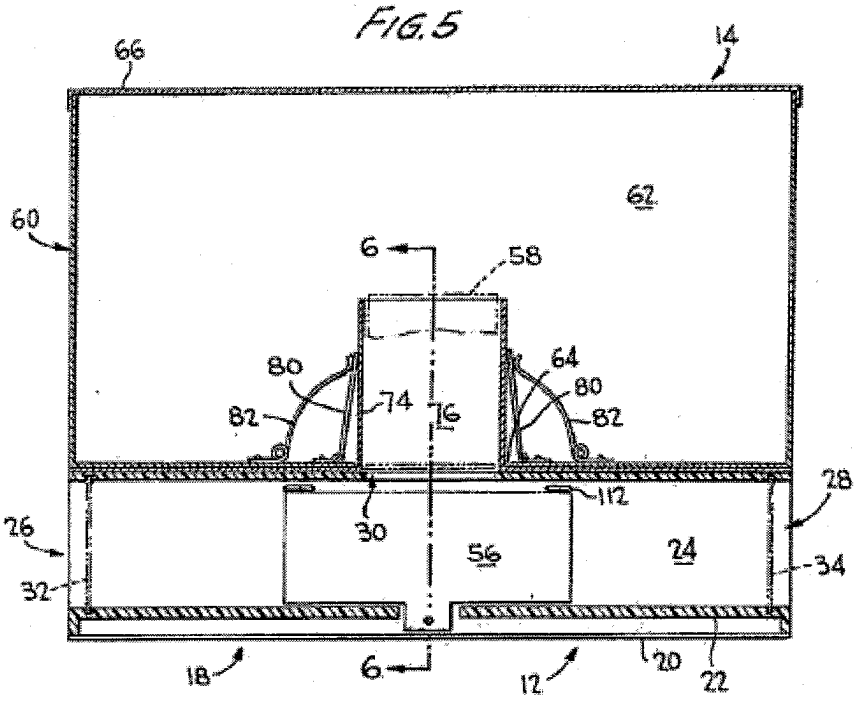
Souza discloses a repeating animal trap assembly 10 including a capture unit 12 and a holding unit 14. A passageway means 74 establishes communication between the capture unit 12 and the holding unit 14. The capture unit 12 defines a compartment having at least one entry opening 26, 28 and at least one exit opening 30. The holding unit 14 defines an enlarged compartment having an entry opening 64 which is aligned with the passageway means 74 and the exit opening 30 of the capture unit 12 to provide communication between the compartments of the two units 12, 14. Doors 32, 34, 36 are provided for the capture unit entry and exit openings 26, 28, 30 with means for automatically closing the entry doors 32, 34 and opening the exit door 36 when an animal is totally within the capture unit compartment. The animal may then enter the holding unit 14 through the exit door 36 and the passageway means 74. The exit door 36 then closes, opening the entry doors 32, 34 to allow another animal to enter the capture unit 12. The repeating animal trap assembly 10 is shown in Figures 1 and 2 as follows:



The capture unit 12 and the holding unit 14 are separate units and the passageway means 74 provides communication between the units. The capture unit 12 includes a trap assembly (doors 32, 34, 36) and a cavity accessible through openings 26, 28, 30; but the capture unit 12 cannot contain an animal and does not form an area of confinement in which the animal is trapped to prevent escape of the animal because either the entry openings 26, 28 or the exit opening 30 are/is always open thus allowing the animal to escape from the capture unit 12 from one of the open openings.

When the animal trap assembly 10 is assembled, the holding unit 14 cannot contain an animal and does not form an area of confinement in which the animal is trapped to prevent escape of the animal because the entry opening 64 is open when the holding unit 14 is connected to the capture unit 12 and the passageway means 74. The holding unit 14 includes an entry door means 80, which is held open by the passageway means 74 to provide access between the capture unit 12 and the holding unit 14. The passageway means 74 includes door means 58, which is hingedly attached at its upper end to the passageway means 74 to block the end of the passageway means 74 within the holding unit 14. When the units are separated, the passageway means 74 is removed from the holding unit 14, and the entry door means 80 closes to confine captured animals within the holding unit 62. In other words, the entry opening 64 of the holding unit 14 is open when the units are connected (the passageway means 74 holds the entry door means 80 open) and is closed when the units are separated (the passageway means 74 is removed so the entry door means 80 closes). It is not until the units are separated that the holding unit 14 contains the animal and forms an area of confinement in which the animal is trapped to prevent escape of the animal. This is shown in Figure 5 (a top cross-section view) is as follows:

FIG. 5



Therefore, the capture unit 12 includes a trap assembly (doors 32, 34, 36), through which the animal is directed into the passageway means 74, which provides communication between the capture unit 12 and the holding unit 14. The door means 58 of the passageway means 74 blocks the exit from the holding unit 14, and it is not until the passageway means 74 is removed from the holding unit 14 that the holding unit 14 contains the animal. Therefore, the capture unit 12 including the trap assembly, the passageway means 74 including the door means 58, and the holding unit 14, which are separate compartments, are all necessary to trap and contain the animal.

The Office Action dated February 14, 2006 states that Souza's rodent trap has two units [12, 14] adjacent each other rather than the removable insert being located within the cavity. The

Office Action also states that Souza shows an area of confinement having two doors 32 [and 34] to form an area of confinement in which the rodent is trapped to prevent escape. Applicants respectfully submit that an area of confinement is not formed by the two doors 32, 34 because when these two doors 32, 34 are closed, the exit opening 30 is open thus allowing the rodent to exit the capture unit 12 through the exit opening 30. The capture unit 12 including the trap assembly, the passageway means 74 including the door means 58, and the holding unit 14, which are separate compartments, are all necessary to trap and contain the animal. Therefore, it is respectfully submitted that the claims are not obvious in view of Souza.

Obviousness over Celestine in view of Souza

The Examiner has equated the removable insert receptacle of the claimed invention with the rodent box 40 of Celestine and the holding unit 14 of Souza. Unlike Celestine and Souza, Applicants respectfully submit that the removable insert receptacle of the claimed invention is not required to contain the rodent and is not required to form an area of confinement in which the rodent is trapped to prevent escape of the rodent from the cavity. The removable insert receptacle is housed within the cavity and is also configured and arranged to contain the rodent within the cavity. It is not required to prevent escape of the rodent but merely an additional feature to further prevent escape of the rodent and to assist in the handling and the removal of the rodent. Celestine requires the rodent box 40, and Souza requires the holding unit 14 to contain the rodent. Without these components, neither Celestine nor Souza would function properly

because the rodent could escape through the insertion opening 18 in Celestine and through the exit opening 30 and the passageway means 74 in Souza.

Applicants respectfully submit that neither Celestine nor Souza contemplate using a rodent trap without the rodent box 40 or the holding unit 14, respectively. Therefore, there is no teaching, suggestion, or motivation to combine these references as suggested.

It is respectfully submitted that if Celestine and Souza were combined as suggested in the Office Action dated February 14, 2006, the rodent trap of Celestine with the door movement operation of Souza, the resulting rodent trap still would not contain the rodent without the rodent box 40. Because Celestine does not contemplate using the rodent trap without the rodent box 40, which is removable through the insertion opening 18, simply putting the door movement operation of Souza on the rodent trap of Celestine would not result in the present invention because without the rodent box 40, the rodent would escape through the insertion opening 18. Similarly, without the holding unit 14 of Souza, the rodent would escape through the exit opening 30 and the passageway means 74.

The claims of the present application are not obvious over Celestine in view of Souza.

Claim 1

With regard to claim 1, the wall portion, the floor portion, the front portion, the top portion, the sides, and the trap assembly form an area of confinement in which the rodent is trapped to prevent escape of the rodent from the cavity. In Celestine, its corresponding

components do not form an area of confinement because the insertion opening 18 provides an exit for the rodent thereby allowing escape of the rodent. A rodent box 40 is required in Celestine for the trap assembly to function properly. The Examiner has equated the rodent box 40 of Celestine with the removable insert receptacle of the claimed invention, but the removable insert receptacle does not form the area of confinement unlike the required rodent box 40 of Celestine. Therefore, Celestine neither teaches nor suggests an area of confinement as recited in claim 1.

The Office Action dated February 14, 2006 states that it would have been obvious to provide the trap of Celestine with a door movement operation as shown by Souza so that when the door to the rodent box 40 of Celestine opens, the door 18 to the trap assembly closes for the purpose of preventing escape of the rodent by jumping back through the open door 18. Then after the door 30 of Celestine closes, the door 18 can reopen to start the cycle over.

Because Celestine does not contemplate using the rodent trap without the rodent box 40 (as stated in the Office Actions dated August 23, 2005 and February 14, 2006), which is removable through the insertion opening 18, simply putting the door movement operation of Souza on the rodent trap of Celestine would not result in the present invention because without the rodent box 40, the rodent would escape through the insertion opening 18. Similarly, without the holding unit 14 of Souza, the rodent would escape through the exit opening 30 and the passageway means 74.

The Examiner has equated the removable insert receptacle of the claimed invention with the rodent box 40 of Celestine and the holding unit 14 of Souza. Unlike Celestine and Souza, Applicants respectfully submit that the removable insert receptacle of the claimed invention is not required to contain the rodent and is not required to form an area of confinement in which the rodent is trapped to prevent escape of the rodent from the cavity. The removable insert receptacle is housed within the cavity and is also configured and arranged to contain the rodent within the cavity. It is not required to prevent escape of the rodent but merely an additional feature to further prevent escape of the rodent. Celestine requires the rodent box 40, and Souza requires the holding unit 14 to contain the rodent. Without these components, neither Celestine nor Souza would function properly because the rodent could escape through the insertion opening 18 in Celestine and through the exit opening 30 and the passageway means 74 in Souza. Without the removable insert receptacle, the claimed invention would still function properly in preventing the escape of the rodent.

Applicants respectfully submit that neither Celestine nor Souza contemplate using a rodent trap without the rodent box 40 or the holding unit 14, respectively. Therefore, there is no teaching, suggestion, or motivation to combine these references as suggested.

It is respectfully submitted that if Celestine and Souza were combined as suggested in the Office Action dated February 14, 2006, the rodent trap of Celestine with the door movement operation of Souza, the resulting rodent trap still would not contain the rodent without the rodent box 40. Because Celestine does not contemplate using the rodent trap without the rodent box 40,

which is removable through the insertion opening 18, simply putting the door movement operation of Souza on the rodent trap of Celestine would not result in the present invention because without the rodent box 40, the rodent would escape through the insertion opening 18. Similarly, without the holding unit 14 of Souza, the rodent would escape through the exit opening 30 and the passageway means 74.

Claim 1 is not obvious over Celestine in view of Souza.

Claim 2

The Office Action dated February 14, 2006 states that Celestine does not disclose that the removable insert receptacle is made from metal, but it would have been obvious to make it from metal. Although the removable insert receptacle of the claimed invention has been equated with the rodent box 40 of Celestine in the Office Action, Applicants respectfully submit that these components perform very different functions and cannot therefore be equated. The removable insert receptacle of the claimed invention is not required to contain the rodent and is not required to form an area of confinement in which the rodent is trapped to prevent escape of the rodent from the cavity. The removable insert receptacle is housed within the cavity and is also configured and arranged to contain the rodent within the cavity. It is not required to prevent escape of the rodent but merely an additional feature to further prevent escape of the rodent. The rodent box 40 of Celestine is required and therefore performs a very different function.

Therefore, a component performing a very different function and not disclosed to be made from metal does not make the removable insert receptacle of the claimed invention obvious.

Further, because claim 2 depends upon claim 1 and claim 1 is not obvious in view of the cited references, claim 2 should also be allowed.

Claim 4

Claim 4 recites climbing assisting members interconnecting the floor portion and the trap assembly. The climbing assisting members are positioned between the wall portion and the front portion, between the floor portion and the top portion, and between the sides and are enclosed therebetween. The trap assembly (also positioned between the wall portion and the front portion, between the floor portion and the top portion, and between the sides and are enclosed therebetween) is elevated and the climbing assisting members assist the rodent in accessing the trap assembly and entering the cavity. The trap assembly provides an only entrance into the cavity thereby hindering contaminants from entering the cavity through the elevated trap assembly. The wall portion, the floor portion, the front portion, the top portion, the trap assembly, and the climbing assisting members form an area of confinement in which the rodent is trapped to prevent escape of the rodent from the cavity.

The Office Action dated February 14, 2006 states that Celestine does not show the climbing assisting member [ramp 14] being positioned between the wall portion and the front portion and between the floor portion and the top portion and between the sides and being

enclosed therebetween. The Office Action further states that it would have been obvious to employ a climbing assisting member or members anywhere in the interior of the trap where it is deemed desirable.

Celestine discloses in column 3, lines 40-42 that the ramp 14 includes a hinge 19 which allows the ramp 14 to be either opened when the trap is in use or closed when the trap is not in use. Applicants respectfully submit that Celestine neither teaches nor suggests climbing assisting members as claimed.

Because the climbing assisting members, as recited in claim 4, are enclosed between the wall portion and the front portion, between the floor portion and the top portion, and between the sides, the climbing assisting members are substantially contained within the rodent trap and are not extending outward from the rodent trap as in Celestine. The purpose of the ramp 14 of Celestine is to open and close the rodent trap. The ramp 14 would not be able to open and close the rodent trap if arranged as suggested and would destroy the intended function of the ramp 14. The elevated trap assembly of the claimed invention is also substantially contained within the rodent trap and provides an only entrance into the cavity thereby hindering contaminants from entering the cavity through the elevated trap assembly. The climbing assisting members assist the rodent in accessing the elevated trap assembly and entering the cavity. The elevated trap assembly, and therefore the cavity, is protected from contaminants by the wall portion, the front portion, the floor portion, the top portion, and the sides, which enclose the climbing assisting members. In Celestine, the swinging front wall/ramp 14 fully exposes the upper portion of the

cavity and the trap door 30 thereby allowing contaminants to enter the upper portion of the cavity and the trap door 30, which allows contaminants to enter the lower portion of the cavity. There is nothing to protect against contaminants in Celestine and there is no teaching or suggestion to protect against contaminants.

Further, the ramp 14 of Celestine does not cooperate with other components of the rodent trap to form an area of confinement in which the rodent is trapped to prevent escape of the rodent from the cavity. The ramp 14 of Celestine is used merely to open and close access to the rodent trap. Celestine neither teaches nor suggests forming an area of confinement with the ramp 14.

Therefore, claim 4 is not obvious in view of Celestine.

Claim 5

Because claim 5 depends upon claim 1 and claim 1 is not obvious in view of the cited references, claim 5 should also be allowed.

Claim 6

Because claim 6 depends upon claim 1 and claim 1 is not obvious in view of the cited references, claim 6 should also be allowed.

Claim 7

Because claim 7 depends upon claim 1 and claim 1 is not obvious in view of the cited references, claim 7 should also be allowed.

Claim 8

With regard to claim 8, the base, the cover, and the trap assembly form an area of confinement in which the rodent is trapped to prevent escape of the rodent from the cavity. In Celestine, its corresponding components do not form an area of confinement because the insertion opening 18 provides an exit for the rodent thereby allowing escape of the rodent. A rodent box 40 is required in Celestine for the trap assembly to function properly. The Examiner has equated the rodent box 40 of Celestine with the removable insert receptacle of the claimed invention, but the removable insert receptacle does not form the area of confinement unlike the required rodent box 40 of Celestine. Therefore, Celestine neither teaches nor suggests an area of confinement as recited in claim 8.

Because Celestine does not contemplate using the rodent trap without the rodent box 40 (as stated in the Office Actions dated August 23, 2005 and February 14, 2006), which is removable through the insertion opening 18, simply putting the door movement operation of Souza on the rodent trap of Celestine would not result in the present invention because without the rodent box 40, the rodent would escape through the insertion opening 18. Similarly, without

the holding unit 14 of Souza, the rodent would escape through the exit opening 30 and the passageway means 74.

The Examiner has equated the metal removable insert receptacle of the claimed invention with the rodent box 40 of Celestine and the holding unit 14 of Souza. Unlike Celestine and Souza, Applicants respectfully submit that the metal removable insert receptacle of the claimed invention is not required to contain the rodent and is not required to form an area of confinement in which the rodent is trapped to prevent escape of the rodent from the cavity. The metal removable insert receptacle fits within the cavity and is also configured and arranged to contain the rodent within the cavity. It is not required to prevent escape of the rodent but merely an additional feature to further prevent escape of the rodent. Celestine requires the rodent box 40, and Souza requires the holding unit 14 to contain the rodent. Without these components, neither Celestine nor Souza would function properly because the rodent could escape through the insertion opening 18 in Celestine and through the exit opening 30 and the passageway means 74 in Souza. Without the removable insert receptacle, the claimed invention would still function properly in preventing the escape of the rodent.

Applicants respectfully submit that neither Celestine nor Souza contemplate using a rodent trap without the rodent box 40 or the holding unit 14, respectively. Therefore, there is no teaching, suggestion, or motivation to combine these references as suggested.

It is respectfully submitted that if Celestine and Souza were combined as suggested in the Office Action dated February 14, 2006, the rodent trap of Celestine with the door movement

operation of Souza, the resulting rodent trap still would not contain the rodent without the rodent box 40. Because Celestine does not contemplate using the rodent trap without the rodent box 40, which is removable through the insertion opening 18, simply putting the door movement operation of Souza on the rodent trap of Celestine would not result in the present invention because without the rodent box 40, the rodent would escape through the insertion opening 18. Similarly, without the holding unit 14 of Souza, the rodent would escape through the exit opening 30 and the passageway means 74.

Claim 8 is not obvious over Celestine in view of Souza.

Claim 9

Because claim 9 depends upon claim 8 and claim 8 is not obvious in view of the cited references, claim 9 should also be allowed.

Claim 11

Because claim 11 depends upon claim 8 and claim 8 is not obvious in view of the cited references, claim 11 should also be allowed.

Claim 12

With regard to claim 12, the housing and the trap assembly form an area of confinement in which the rodent is trapped to prevent escape of the rodent from the cavity. In Celestine, its

corresponding components do not form an area of confinement because the insertion opening 18 provides an exit for the rodent thereby allowing escape of the rodent. A rodent box 40 is required in Celestine for the trap assembly to function properly. The Examiner has equated the rodent box 40 of Celestine with the removable insert receptacle of the claimed invention, but the removable insert receptacle does not form the area of confinement unlike the required rodent box 40 of Celestine. Therefore, Celestine neither teaches nor suggests an area of confinement as recited in claim 12.

Because Celestine does not contemplate using the rodent trap without the rodent box 40 (as stated in the Office Actions dated August 23, 2005 and February 14, 2006), which is removable through the insertion opening 18, simply putting the door movement operation of Souza on the rodent trap of Celestine would not result in the present invention because without the rodent box 40, the rodent would escape through the insertion opening 18. Similarly, without the holding unit 14 of Souza, the rodent would escape through the exit opening 30 and the passageway means 74.

The Examiner has equated the removable insert receptacle of the claimed invention with the rodent box 40 of Celestine and the holding unit 14 of Souza. Unlike Celestine and Souza, Applicants respectfully submit that the removable insert receptacle of the claimed invention is not required to contain the rodent and is not required to form an area of confinement in which the rodent is trapped to prevent escape of the rodent from the cavity. The removable insert receptacle fits within the cavity and is also configured and arranged to contain the rodent within

the cavity. It is not required to prevent escape of the rodent but merely an additional feature to further prevent escape of the rodent by preventing the rodent from gnawing and clawing through the removable insert receptacle. Celestine requires the rodent box 40, and Souza requires the holding unit 14 to contain the rodent. Without these components, neither Celestine nor Souza would function properly because the rodent could escape through the insertion opening 18 in Celestine and through the exit opening 30 and the passageway means 74 in Souza. Without the removable insert receptacle, the claimed invention would still function properly in preventing the escape of the rodent.

Applicants respectfully submit that neither Celestine nor Souza contemplate using a rodent trap without the rodent box 40 or the holding unit 14, respectively. Therefore, there is no teaching, suggestion, or motivation to combine these references as suggested.

It is respectfully submitted that if Celestine and Souza were combined as suggested in the Office Action dated February 14, 2006, the rodent trap of Celestine with the door movement operation of Souza, the resulting rodent trap still would not contain the rodent without the rodent box 40. Because Celestine does not contemplate using the rodent trap without the rodent box 40, which is removable through the insertion opening 18, simply putting the door movement operation of Souza on the rodent trap of Celestine would not result in the present invention because without the rodent box 40, the rodent would escape through the insertion opening 18. Similarly, without the holding unit 14 of Souza, the rodent would escape through the exit opening 30 and the passageway means 74.

Claim 12 is not obvious over Celestine in view of Souza.

Claim 13

Because claim 13 depends upon claim 12 and claim 12 is not obvious in view of the cited references, claim 13 should also be allowed.

Claim 14

Because claim 14 depends upon claim 12 and claim 12 is not obvious in view of the cited references, claim 14 should also be allowed.

Claim 15

Because claim 15 depends upon claim 12 and claim 12 is not obvious in view of the cited references, claim 15 should also be allowed.

Claim 16

The Office Action dated February 14, 2006 states that Celestine does not show the climbing assisting member [ramp 14] being positioned between the wall portion and the front portion and between the floor portion and the top portion and between the sides and being enclosed therebetween. The Office Action further states that it would have been obvious to

employ a climbing assisting member or members anywhere in the interior of the trap where it is deemed desirable.

Celestine discloses in column 3, lines 40-42 that the ramp 14 includes a hinge 19 which allows the ramp 14 to be either opened when the trap is in use or closed when the trap is not in use. Applicants respectfully submit that Celestine neither teaches nor suggests climbing assisting members as claimed.

Because the climbing assisting members, as recited in claim 4, are enclosed between the wall portion and the front portion, between the floor portion and the top portion, and between the sides, the climbing assisting members are substantially contained within the rodent trap and are not extending outward from the rodent trap as in Celestine. The purpose of the ramp 14 of Celestine is to open and close the rodent trap. The ramp 14 would not be able to open and close the rodent trap if arranged as suggested and would destroy the intended function of the ramp 14. The elevated trap assembly of the claimed invention is also substantially contained within the rodent trap and provides an only entrance into the cavity thereby hindering contaminants from entering the cavity through the elevated trap assembly. The climbing assisting members assist the rodent in accessing the elevated trap assembly and entering the cavity. The elevated trap assembly, and therefore the cavity, is protected from contaminants by the wall portion, the front portion, the floor portion, the top portion, and the sides, which enclose the climbing assisting members. In Celestine, the swinging front wall/ramp 14 fully exposes the upper portion of the cavity and the trap door 30 thereby allowing contaminants to enter the upper portion of the cavity

and the trap door 30, which allows contaminants to enter the lower portion of the cavity. There is nothing to protect against contaminants in Celestine and there is no teaching or suggestion to protect against contaminants.

Further, the ramp 14 of Celestine does not cooperate with other components of the rodent trap to form an area of confinement in which the rodent is trapped to prevent escape of the rodent from the cavity. The ramp 14 of Celestine is used merely to open and close access to the rodent trap. Celestine neither teaches nor suggests forming an area of confinement with the ramp 14.

Therefore, claim 16 is not obvious in view of Celestine.

Further, because claim 16 depends upon claim 12 and claim 12 is not obvious in view of the cited references, claim 16 should also be allowed.

Claim 17

Because claim 17 depends upon claim 12 and claim 12 is not obvious in view of the cited references, claim 17 should also be allowed.

Claim 18

With regard to claim 18, the base, the trap assembly, and the housing form an area of confinement in which the rodent is trapped to prevent escape of the rodent from the cavity. In Celestine, its corresponding components do not form an area of confinement because the insertion opening 18 provides an exit for the rodent thereby allowing escape of the rodent. A

rodent box 40 is required in Celestine for the trap assembly to function properly. The Examiner has equated the rodent box 40 of Celestine with the removable insert receptacle of the claimed invention, but the removable insert receptacle does not form the area of confinement unlike the required rodent box 40 of Celestine. Therefore, Celestine neither teaches nor suggests an area of confinement as recited in claim 18.

Because Celestine does not contemplate using the rodent trap without the rodent box 40 (as stated in the Office Actions dated August 23, 2005 and February 14, 2006), which is removable through the insertion opening 18, simply putting the door movement operation of Souza on the rodent trap of Celestine would not result in the present invention because without the rodent box 40, the rodent would escape through the insertion opening 18. Similarly, without the holding unit 14 of Souza, the rodent would escape through the exit opening 30 and the passageway means 74.

Applicants respectfully submit that neither Celestine nor Souza contemplate using a rodent trap without the rodent box 40 or the holding unit 14, respectively. Therefore, there is no teaching, suggestion, or motivation to combine these references as suggested.

It is respectfully submitted that if Celestine and Souza were combined as suggested in the Office Action dated February 14, 2006, the rodent trap of Celestine with the door movement operation of Souza, the resulting rodent trap still would not contain the rodent without the rodent box 40. Because Celestine does not contemplate using the rodent trap without the rodent box 40, which is removable through the insertion opening 18, simply putting the door movement

operation of Souza on the rodent trap of Celestine would not result in the present invention because without the rodent box 40, the rodent would escape through the insertion opening 18. Similarly, without the holding unit 14 of Souza, the rodent would escape through the exit opening 30 and the passageway means 74. Without the removable insert receptacle, the claimed invention would still function properly in preventing the escape of the rodent.

Claim 18 is not obvious over Celestine in view of Souza.

Claim 19

Because claim 19 depends upon claim 18 and claim 18 is not obvious in view of the cited references, claim 19 should also be allowed.

Claim 20

Because claim 20 depends upon claim 18 and claim 18 is not obvious in view of the cited references, claim 20 should also be allowed.

Claim 21

Claim 21 recites a removable insert receptacle made of a non-destructible material that fits within the cavity. The removable insert receptacle is an additional feature and prevents the rodent from gnawing and clawing through the removable insert receptacle to further prevent the rodent from escaping from the rodent trap.

The Examiner has equated the removable insert receptacle of the claimed invention with the rodent box 40 of Celestine and the holding unit 14 of Souza. Unlike Celestine and Souza, Applicants respectfully submit that the removable insert receptacle of the claimed invention is not required to contain the rodent and is not required to form an area of confinement in which the rodent is trapped to prevent escape of the rodent from the cavity. The removable insert receptacle fits within the cavity and is also configured and arranged to contain the rodent within the cavity. It is not required to prevent escape of the rodent but merely an additional feature to further prevent escape of the rodent. Celestine requires the rodent box 40, and Souza requires the holding unit 14 to contain the rodent. Without these components, neither Celestine nor Souza would function properly because the rodent could escape through the insertion opening 18 in Celestine and through the exit opening 30 and the passageway means 74 in Souza. Without the removable insert receptacle, the claimed invention would still function properly in preventing the escape of the rodent.

Neither Celestine nor Souza teach or suggest an additional removable insert receptacle within the cavity as recited in claim 21. Therefore, claim 21 is not obvious over Celestine in view of Souza.

Further, because claim 21 depends upon claim 18 and claim 18 is not obvious in view of the cited references, claim 21 should also be allowed.

Claim 22

The Office Action dated February 14, 2006 states that Celestine does not disclose that the removable insert receptacle is made from metal, but it would have been obvious to make it from metal. Although the removable insert receptacle of the claimed invention has been equated with the rodent box 40 of Celestine in the Office Action, Applicants respectfully submit that these components perform very different functions and cannot therefore be equated. The removable insert receptacle of the claimed invention is not required to contain the rodent and is not required to form an area of confinement in which the rodent is trapped to prevent escape of the rodent from the cavity. The removable insert receptacle is housed within the cavity and is also configured and arranged to contain the rodent within the cavity. It is not required to prevent escape of the rodent but merely an additional feature to further prevent escape of the rodent. The rodent box 40 of Celestine is required and therefore performs a very different function. Therefore, a component performing a very different function and not disclosed to be made from metal does not make the removable insert receptacle of the claimed invention obvious.

Further, because claim 22 depends upon claim 21 and claim 21 is not obvious in view of the cited references, claim 22 should also be allowed.

Claim 23

With regard to claim 23, the cover, the base, and the trap assembly form an area of confinement in which the rodent is trapped to prevent escape of the rodent from the cavity. The cover is inter-fitting on the base and are configured and arranged to resemble a vent operatively

connected to a wall, and the removable insert receptacle is inside the cavity, between the cover and the base. In Celestine, its corresponding components do not form an area of confinement because the insertion opening 18 provides an exit for the rodent thereby allowing escape of the rodent. A rodent box 40 is required in Celestine for the trap assembly to function properly. The Examiner has equated the rodent box 40 of Celestine with the removable insert receptacle of the claimed invention, but the removable insert receptacle does not form the area of confinement unlike the required rodent box 40 of Celestine. Therefore, Celestine neither teaches nor suggests an area of confinement as recited in claim 23.

Because Celestine does not contemplate using the rodent trap without the rodent box 40 (as stated in the Office Actions dated August 23, 2005 and February 14, 2006), which is removable through the insertion opening 18, simply putting the door movement operation of Souza on the rodent trap of Celestine would not result in the present invention because without the rodent box 40, the rodent would escape through the insertion opening 18. Similarly, without the holding unit 14 of Souza, the rodent would escape through the exit opening 30 and the passageway means 74.

The Examiner has equated the removable insert receptacle of the claimed invention with the rodent box 40 of Celestine and the holding unit 14 of Souza. Unlike Celestine and Souza, Applicants respectfully submit that the removable insert receptacle of the claimed invention is not required to contain the rodent and is not required to form an area of confinement in which the rodent is trapped to prevent escape of the rodent from the cavity. The removable insert

receptacle is inside the cavity and is also configured and arranged to contain the rodent within the cavity. It is not required to prevent escape of the rodent but merely an additional feature to further prevent escape of the rodent. Celestine requires the rodent box 40, and Souza requires the holding unit 14 to contain the rodent. Without these components, neither Celestine nor Souza would function properly because the rodent could escape through the insertion opening 18 in Celestine and through the exit opening 30 and the passageway means 74 in Souza. Without the removable insert receptacle, the claimed invention would still function properly in preventing the escape of the rodent.

Applicants respectfully submit that neither Celestine nor Souza contemplate using a rodent trap without the rodent box 40 or the holding unit 14, respectively. Therefore, there is no teaching, suggestion, or motivation to combine these references as suggested.

It is respectfully submitted that if Celestine and Souza were combined as suggested in the Office Action dated February 14, 2006, the rodent trap of Celestine with the door movement operation of Souza, the resulting rodent trap still would not contain the rodent without the rodent box 40. Because Celestine does not contemplate using the rodent trap without the rodent box 40, which is removable through the insertion opening 18, simply putting the door movement operation of Souza on the rodent trap of Celestine would not result in the present invention because without the rodent box 40, the rodent would escape through the insertion opening 18. Similarly, without the holding unit 14 of Souza, the rodent would escape through the exit opening 30 and the passageway means 74.

Claim 23 is not obvious over Celestine in view of Souza.

Claim 24

Because claim 24 depends upon claim 23 and claim 23 is not obvious in view of the cited references, claim 24 should also be allowed.

Claim 25

Because claim 25 depends upon claim 23 and claim 23 is not obvious in view of the cited references, claim 25 should also be allowed.

Claim 26

Because claim 26 depends upon claim 25, which is dependent upon claim 23, and claim 23 is not obvious in view of the cited references, claim 26 should also be allowed.

Claim 27

Because claim 27 depends upon claim 23 and claim 23 is not obvious in view of the cited references, claim 27 should also be allowed.

Claim 28

Because claim 28 depends upon claim 27, which is dependent upon claim 23, and claim 23 is not obvious in view of the cited references, claim 28 should also be allowed.

Claim 29

With regard to claim 29, the wall portion, the floor portion, the front portion, the top, the platform, the climbing assisting members, and the trap assembly form an area of confinement in which the rodent is trapped thereby preventing escape of the rodent from the cavity. In addition, the climbing assisting members extend at an upward angle proximate the floor portion and the opening in the cover to the platform and allow the rodent to climb from the floor portion to the platform.

The Office Action dated February 14, 2006 states that Celestine does not show the climbing assisting member [ramp 14] being positioned between the wall portion and the front portion and between the floor portion and the top portion and between the sides and being enclosed therebetween. The Office Action further states that it would have been obvious to employ a climbing assisting member or members anywhere in the interior of the trap where it is deemed desirable.

Celestine discloses in column 3, lines 40-42 that the ramp 14 includes a hinge 19 which allows the ramp 14 to be either opened when the trap is in use or closed when the trap is not in use. Applicants respectfully submit that Celestine neither teaches nor suggests positioning

climbing assisting members as claimed and therefore it is not obvious to employ climbing assisting members anywhere in the interior of the trap where it is deemed desirable.

Because the climbing assisting members, as recited in claim 29, extend upward from the floor portion to the platform, the climbing assisting members are substantially contained within the rodent trap and are not extending outward from the rodent trap as in Celestine. The purpose of the ramp 14 of Celestine is to open and close the rodent trap. The ramp 14 would not be able to open and close the rodent trap if arranged as suggested and would destroy the intended function of the ramp 14. The elevated trap assembly of the claimed invention is also substantially contained within the rodent trap and provides an only entrance into the cavity thereby assisting in preventing contaminants from entering the cavity through the elevated trap assembly. The climbing assisting members assist the rodent in accessing the elevated trap assembly and entering the cavity. The elevated trap assembly, and therefore the cavity, is protected from contaminants by the base and the cover, which enclose the climbing assisting members. In Celestine, the swinging front wall/ramp 14 fully exposes the upper portion of the cavity and the trap door 30 thereby allowing contaminants to enter the upper portion of the cavity and the trap door 30, which allows contaminants to enter the lower portion of the cavity. There is nothing to protect against contaminants in Celestine and there is no teaching or suggestion to protect against contaminants.

Further, the ramp 14 of Celestine does not cooperate with other components of the rodent trap to form an area of confinement in which the rodent is trapped to prevent escape of the rodent

from the cavity. The ramp 14 of Celestine is used merely to open and close access to the rodent trap. Celestine neither teaches nor suggests forming an area of confinement with the ramp 14.

Therefore, claim 29 is not obvious in view of Celestine.

Claim 30

Because claim 30 depends upon claim 29 and claim 29 is not obvious in view of the cited references, claim 30 should also be allowed.

Claim 31

Because claim 31 depends upon claim 29 and claim 29 is not obvious in view of the cited references, claim 31 should also be allowed.

Claim 32

Because claim 32 depends upon claim 29 and claim 29 is not obvious in view of the cited references, claim 32 should also be allowed.

Claim 33

Because claim 33 depends upon claim 29 and claim 29 is not obvious in view of the cited references, claim 33 should also be allowed.

Claim 34

Because claim 34 depends upon claim 29 and claim 29 is not obvious in view of the cited references, claim 34 should also be allowed.

Claim 35

Because claim 35 depends upon claim 34, which is dependent upon claim 29, and claim 29 is not obvious in view of the cited references, claim 35 should also be allowed.

Claim 36

Because claim 36 depends upon claim 29 and claim 29 is not obvious in view of the cited references, claim 36 should also be allowed.

Claim 37

With regard to claim 37, the wall portion, the floor portion, the elevated platform, the cover, the climbing assisting members, and the trap assembly form an area of confinement in which the rodent is trapped to prevent escape of the rodent from the cavity. In Celestine, its corresponding components do not form an area of confinement because the insertion opening 18 provides an exit for the rodent thereby allowing escape of the rodent and because the ramp 14 does not assist in confining the rodent. A rodent box 40 is required in Celestine for the trap assembly to function properly, and the ramp 14 merely provides a way for the rodent to access

the trap assembly. The Examiner has equated the rodent box 40 of Celestine with the removable insert receptacle of the claimed invention, but the removable insert receptacle does not form the area of confinement unlike the required rodent box 40 of Celestine. Therefore, Celestine neither teaches nor suggests an area of confinement as recited in claim 37.

Because Celestine does not contemplate using the rodent trap without the rodent box 40 (as stated in the Office Actions dated August 23, 2005 and February 14, 2006), which is removable through the insertion opening 18, simply putting the door movement operation of Souza on the rodent trap of Celestine would not result in the present invention because without the rodent box 40, the rodent would escape through the insertion opening 18. Similarly, without the holding unit 14 of Souza, the rodent would escape through the exit opening 30 and the passageway means 74.

The Examiner has equated the removable insert receptacle of the claimed invention with the rodent box 40 of Celestine and the holding unit 14 of Souza. Unlike Celestine and Souza, Applicants respectfully submit that the removable insert receptacle of the claimed invention is not required to contain the rodent and is not required to form an area of confinement in which the rodent is trapped to prevent escape of the rodent from the cavity. The removable insert receptacle is inside the cavity and is also configured and arranged to contain the rodent within the cavity. It is not required to prevent escape of the rodent but merely an additional feature to further prevent escape of the rodent. Celestine requires the rodent box 40, and Souza requires the holding unit 14 to contain the rodent. Without these components, neither Celestine nor

Souza would function properly because the rodent could escape through the insertion opening 18 in Celestine and through the exit opening 30 and the passageway means 74 in Souza. Without the removable insert receptacle, the claimed invention would still function properly in preventing the escape of the rodent.

Applicants respectfully submit that neither Celestine nor Souza contemplate using a rodent trap without the rodent box 40 or the holding unit 14, respectively. Therefore, there is no teaching, suggestion, or motivation to combine these references as suggested.

It is respectfully submitted that if Celestine and Souza were combined as suggested in the Office Action dated February 14, 2006, the rodent trap of Celestine with the door movement operation of Souza, the resulting rodent trap still would not contain the rodent without the rodent box 40. Because Celestine does not contemplate using the rodent trap without the rodent box 40, which is removable through the insertion opening 18, simply putting the door movement operation of Souza on the rodent trap of Celestine would not result in the present invention because without the rodent box 40, the rodent would escape through the insertion opening 18. Similarly, without the holding unit 14 of Souza, the rodent would escape through the exit opening 30 and the passageway means 74.

The Office Action dated February 14, 2006 states that Celestine does not show the climbing assisting member [ramp 14] being positioned between the wall portion and the front portion and between the floor portion and the top portion and between the sides and being enclosed therebetween. The Office Action further states that it would have been obvious to

employ a climbing assisting member or members anywhere in the interior of the trap where it is deemed desirable.

Celestine discloses in column 3, lines 40-42 that the ramp 14 includes a hinge 19 which allows the ramp 14 to be either opened when the trap is in use or closed when the trap is not in use. Applicants respectfully submit that Celestine neither teaches nor suggests climbing assisting members as claimed.

Because the climbing assisting members, as recited in claim 37, are enclosed between the base and the cover, the climbing assisting members are substantially contained within the rodent trap and are not extending outward from the rodent trap as in Celestine. The purpose of the ramp 14 of Celestine is to open and close the rodent trap. The ramp 14 would not be able to open and close the rodent trap if arranged as suggested and would destroy the intended function of the ramp 14. The base, the cover, and the elevated platform assist in preventing contaminants from entering the trap assembly and the cavity. The climbing assisting members assist the rodent in accessing the elevated trap assembly and the area of confinement. The elevated trap assembly and the cavity are protected from contaminants by the base, the cover, and the elevated platform. In Celestine, the swinging front wall/ramp 14 fully exposes the upper portion of the cavity and the trap door 30 thereby allowing contaminants to enter the upper portion of the cavity and the trap door 30, which allows contaminants to enter the lower portion of the cavity. There is nothing to protect against contaminants in Celestine and there is no teaching or suggestion to protect against contaminants.

Further, the ramp 14 of Celestine does not cooperate with other components of the rodent trap to form an area of confinement in which the rodent is trapped to prevent escape of the rodent from the cavity. The ramp 14 of Celestine is used merely to open and close access to the rodent trap. Celestine neither teaches nor suggests forming an area of confinement with the ramp 14.

Therefore, claim 37 is not obvious in view of Celestine.

Claim 38

Because claim 38 depends upon claim 37 and claim 37 is not obvious in view of the cited references, claim 38 should also be allowed.

Claim 39

Because claim 39 depends upon claim 37 and claim 37 is not obvious in view of the cited references, claim 39 should also be allowed.

Claim 40

Because claim 40 depends upon claim 37 and claim 37 is not obvious in view of the cited references, claim 40 should also be allowed.

Claim 41

Because claim 41 depends upon claim 37 and claim 37 is not obvious in view of the cited references, claim 41 should also be allowed.

Claim 42

Because claim 42 depends upon claim 41, which depends upon claim 37, and claim 37 is not obvious in view of the cited references, claim 42 should also be allowed.

Claim 43

With regard to claim 43, the housing, the elevated trap assembly, and the climbing assisting members form an area of confinement in which the rodent is trapped to prevent escape of the rodent from the cavity. In Celestine, its corresponding components do not form an area of confinement because the insertion opening 18 provides an exit for the rodent thereby allowing escape of the rodent and because the ramp 14 does not assist in confining the rodent. A rodent box 40 is required in Celestine for the trap assembly to function properly, and the ramp 14 merely provides a way for the rodent to access the trap assembly. The Examiner has equated the rodent box 40 of Celestine with the removable insert receptacle of the claimed invention, but the removable insert receptacle does not form the area of confinement unlike the required rodent box 40 of Celestine. Therefore, Celestine neither teaches nor suggests an area of confinement as recited in claim 43.

Because Celestine does not contemplate using the rodent trap without the rodent box 40 (as stated in the Office Actions dated August 23, 2005 and February 14, 2006), which is removable through the insertion opening 18, simply putting the door movement operation of Souza on the rodent trap of Celestine would not result in the present invention because without the rodent box 40, the rodent would escape through the insertion opening 18. Similarly, without the holding unit 14 of Souza, the rodent would escape through the exit opening 30 and the passageway means 74.

Applicants respectfully submit that neither Celestine nor Souza contemplate using a rodent trap without the rodent box 40 or the holding unit 14, respectively. Therefore, there is no teaching, suggestion, or motivation to combine these references as suggested.

It is respectfully submitted that if Celestine and Souza were combined as suggested in the Office Action dated February 14, 2006, the rodent trap of Celestine with the door movement operation of Souza, the resulting rodent trap still would not contain the rodent without the rodent box 40. Because Celestine does not contemplate using the rodent trap without the rodent box 40, which is removable through the insertion opening 18, simply putting the door movement operation of Souza on the rodent trap of Celestine would not result in the present invention because without the rodent box 40, the rodent would escape through the insertion opening 18. Similarly, without the holding unit 14 of Souza, the rodent would escape through the exit opening 30 and the passageway means 74.

The Office Action dated February 14, 2006 states that Celestine does not show the climbing assisting member [ramp 14] being positioned between the wall portion and the front portion and between the floor portion and the top portion and between the sides and being enclosed therebetween. The Office Action further states that it would have been obvious to employ a climbing assisting member or members anywhere in the interior of the trap where it is deemed desirable.

Celestine discloses in column 3, lines 40-42 that the ramp 14 includes a hinge 19 which allows the ramp 14 to be either opened when the trap is in use or closed when the trap is not in use. Applicants respectfully submit that Celestine neither teaches nor suggests climbing assisting members as claimed.

The climbing assisting members, as recited in claim 43, assist the rodent in accessing the trap assembly and entering the cavity; and the housing, the elevated trap assembly, and the climbing assisting members form an area of confinement. The trap assembly provides an only entrance into the cavity thereby hindering contaminants from entering the cavity through the elevated trap assembly. In Celestine, the swinging front wall/ramp 14 fully exposes the upper portion of the cavity and the trap door 30 thereby allowing contaminants to enter the upper portion of the cavity and the trap door 30, which allows contaminants to enter the lower portion of the cavity. There is nothing to protect against contaminants in Celestine and there is no teaching or suggestion to protect against contaminants.

Further, the ramp 14 of Celestine does not cooperate with other components of the rodent trap to form an area of confinement in which the rodent is trapped to prevent escape of the rodent from the cavity. The ramp 14 of Celestine is used merely to open and close access to the rodent trap. The purpose of the ramp 14 of Celestine is to open and close the rodent trap. The ramp 14 would not be able to open and close the rodent trap if arranged as suggested and would destroy the intended function of the ramp 14. Celestine neither teaches nor suggests forming an area of confinement with the ramp 14.

Therefore, claim 43 is not obvious in view of Celestine.

Claim 44

Because claim 44 depends upon claim 43 and claim 43 is not obvious in view of the cited references, claim 44 should also be allowed.

Claim 45

Because claim 45 depends upon claim 44, which depends upon claim 43, and claim 43 is not obvious in view of the cited references, claim 45 should also be allowed.

Claim 46

Because claim 46 depends upon claim 43 and claim 43 is not obvious in view of the cited references, claim 46 should also be allowed.

Claim 47

Because claim 47 depends upon claim 46, which depends upon claim 43, and claim 43 is not obvious in view of the cited references, claim 47 should also be allowed.

Claim 48

Claim 48 recites a removable insert receptacle made of a non-destructible material that fits within the cavity. The removable insert receptacle is an additional feature and prevents the rodent from escaping.

The Examiner has equated the removable insert receptacle of the claimed invention with the rodent box 40 of Celestine and the holding unit 14 of Souza. Unlike Celestine and Souza, Applicants respectfully submit that the removable insert receptacle of the claimed invention is not required to contain the rodent and is not required to form an area of confinement in which the rodent is trapped to prevent escape of the rodent from the cavity. The removable insert receptacle fits within the cavity and is also configured and arranged to contain the rodent within the cavity. It is not required to prevent escape of the rodent but merely an additional feature to further prevent escape of the rodent. Celestine requires the rodent box 40, and Souza requires the holding unit 14 to contain the rodent. Without these components, neither Celestine nor Souza would function properly because the rodent could escape through the insertion opening 18 in Celestine and through the exit opening 30 and the passageway means 74 in Souza.

Neither Celestine nor Souza teach or suggest an additional removable insert receptacle within the cavity as recited in claim 48. Therefore, claim 48 is not obvious over Celestine in view of Souza.

Further, because claim 48 depends upon claim 43 and claim 43 is not obvious in view of the cited references, claim 48 should also be allowed.

Rejection of claims 3 and 10 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,016,623 to Celestine in view of U.S. Patent 4,138,796 to Souza and further in view of U.S. Patent 6,389,738 to Denny et al.

Claim 3

Because claim 3 depends upon claim 1 and claim 1 is not obvious in view of the cited references, claim 3 should also be allowed.

Claim 10

Because claim 10 depends upon claim 8 and claim 8 is not obvious in view of the cited references, claim 10 should also be allowed.

CONCLUSION

It is respectfully submitted that the claimed subject matter is not obvious in view of these references. In view of the aforesaid reasons, and those advanced during prosecution to date, the Appellants request that the Examiner's rejections be reversed.

Respectfully submitted,

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CLAIMS APPENDIX

LISTING OF CLAIMS ON APPEAL

1. A rodent trap, comprising:

a) a wall portion, a floor portion, a front portion, a top portion, and sides configured and arranged to define a cavity, said wall portion and said front portion being interconnected by said floor portion, said top portion, and said sides;

b) said cavity being between said wall portion and said front portion and configured and arranged to contain a rodent;

c) a trap assembly providing access to said cavity, said trap assembly allowing the rodent to enter said cavity and preventing the rodent from exiting said cavity, the wall portion, the floor portion, the front portion, the top portion, the sides, and the trap assembly forming an area of confinement in which the rodent is trapped to prevent escape of the rodent from the cavity; and

d) a removable insert receptacle configured and arranged to be housed within said cavity proximate said trap assembly, said removable insert receptacle being configured and arranged to contain the rodent within said cavity, wherein said removable insert receptacle is made of a non-destructible material thereby further preventing escape of the rodent.

2. The rodent trap of claim 1, wherein said removable insert receptacle is made of metal.

3. The rodent trap of claim 1, further comprising a glue board contained within said removable insert receptacle, said glue board trapping the rodent within said removable insert receptacle.

4. The rodent trap of claim 1, further comprising climbing assisting members interconnecting said floor portion and said trap assembly, said climbing assisting members being positioned between said wall portion and said front portion, between said floor portion and said top portion, and between said sides and being enclosed therebetween, said trap assembly being elevated and said climbing assisting members assisting the rodent in accessing said trap assembly and entering said cavity, wherein said trap assembly provides an only entrance into said cavity thereby hindering contaminants from entering said cavity through said elevated trap assembly, the wall portion, the floor portion, the front portion, the top portion, the trap assembly, and the climbing assisting members forming an area of confinement in which the rodent is trapped to prevent escape of the rodent from the cavity.

5. The rodent trap of claim 1, further comprising a maintenance card within said cavity, wherein said removable insert receptacle prevents the rodent from contacting said maintenance card, and wherein said maintenance card is protected from contaminants.

6. The rodent trap of claim 1, wherein said front portion has an appearance of a vent and said wall portion is operatively connected to a wall of a building.

7. The rodent trap of claim 1, further comprising:

a) an opening in said removable insert receptacle proximate said trap assembly; and

b) an insert member configured and arranged to cover said opening in said removable insert receptacle, wherein said insert member prevents escape from said removable insert receptacle when placed about said removable insert receptacle and said removable insert receptacle is removed from said cavity.

8. A rodent trap, comprising:

a) a base having a wall portion operatively connected to a floor portion;

b) a cover having a front portion, a top, and sides, said top and said sides interconnecting said wall portion and said front portion, wherein said base and said cover cooperate to define a cavity therebetween, said cavity being configured and arranged to contain a rodent between said base and said cover;

c) a trap assembly providing access to said cavity, the base, the cover, and the trap assembly forming an area of confinement in which the rodent is trapped to prevent escape of the rodent from the cavity; and

d) a metal removable insert receptacle configured and arranged to fit within said cavity proximate said trap assembly to contain a rodent within said cavity, said metal removable insert receptacle preventing the rodent from gnawing and clawing through said metal removable insert receptacle thereby further preventing escape of the rodent.

9. The rodent trap of claim 8, wherein said base and said cover are operatively connected to a building and have an appearance resembling a vent.

10. The rodent trap of claim 8, further comprising a glue board contained within said metal removable insert receptacle, said glue board trapping the rodent within said metal removable insert receptacle.

11. The rodent trap of claim 8, further comprising a maintenance card within said cavity, wherein said metal removable insert receptacle prevents the rodent from contacting said maintenance card, and wherein said maintenance card is protected from contaminants.

12. A rodent trap, comprising:

a) a housing including a cavity configured and arranged to contain a rodent within said housing;

b) a trap assembly providing access to said cavity, the housing and the trap assembly forming an area of confinement in which the rodent is trapped to prevent escape of the rodent from the cavity; and

c) a removable insert receptacle configured and arranged to fit within said cavity proximate said trap assembly to contain a rodent, said removable insert receptacle being made of a non-destructible material thereby preventing the rodent from gnawing and clawing through said removable insert receptacle.

13. The rodent trap of claim 12, wherein said housing includes a base and a cover.

14. The rodent trap of claim 12, wherein said housing is configured and arranged for attachment to a structure and has an appearance of a vent attached to the structure.

15. The rodent trap of claim 12, wherein said removable insert receptacle is made of metal.

16. The rodent trap of claim 12, wherein said housing includes a wall portion and a front portion interconnected by a floor portion, a top portion, and sides, further comprising climbing assisting members, said climbing assisting members being positioned between said wall portion and said front portion, between said floor portion and said top portion, and between said sides and being enclosed therebetween, wherein said trap assembly is elevated, said climbing assisting members interconnecting said housing and said trap assembly and assisting the rodent in accessing said trap assembly and entering said cavity, wherein said trap assembly provides an only entrance into said cavity thereby hindering contaminants from entering said cavity, the wall portion, the floor portion, the front portion, the top portion, the trap assembly, and the climbing assisting members forming an area of confinement in which the rodent is trapped to prevent escape of the rodent from the cavity.

17. The rodent trap of claim 12, further comprising a maintenance card within said cavity, wherein said removable insert receptacle prevents the rodent from contacting said maintenance card, and wherein said maintenance card is protected from contaminants.

18. A rodent trap, comprising:

a) a base having a wall portion and a cavity, said wall portion being configured and arranged to be operatively connected to a wall;

b) a trap assembly providing access to said cavity, said trap assembly allowing the rodent to enter said cavity and preventing the rodent from exiting said cavity; and

c) a housing covering said base and having an opening allowing access to said trap assembly and said cavity, said housing enclosing said cavity to contain a rodent within said cavity, the base, the trap assembly, and the housing forming an area of confinement in which the rodent is trapped to prevent escape of the rodent from the cavity, said housing having an appearance resembling a vent, wherein said housing covering said base appears to be a vent operatively connected to the wall.

19. The rodent trap of claim 18, wherein said housing appears to be an interior heat vent.

20. The rodent trap of claim 18, wherein said housing appears to be an exterior exhaust vent.

21. The rodent trap of claim 18, further comprising a removable insert receptacle configured and arranged to fit within said cavity proximate said trap assembly to contain the rodent, said removable insert receptacle being made of a non-destructible material thereby preventing the rodent from gnawing and clawing through said removable insert receptacle.

22. The rodent trap of claim 21, wherein said removable insert receptacle is made of metal.

23. A device for trapping a rodent, comprising:

a) a cover and a base defining a cavity and configured and arranged to resemble a vent operatively connected to a wall, said cover inter-fitting on said base;

b) a removable insert receptacle inside said cavity, said removable insert receptacle being configured and arranged to contain a rodent within said cavity, said removable insert receptacle being removable from said cavity to assist in readily disposing of the rodent;

c) a trap assembly providing access to said cavity and said removable insert receptacle, said trap assembly allowing the rodent to enter said removable insert receptacle within said cavity and preventing the rodent from exiting said removable insert receptacle thereby trapping the rodent within said removable insert receptacle; and

d) at least one opening in said cover allowing access to said trap assembly, said cavity, and said removable insert receptacle, the cover, the base, and the trap assembly forming an area of confinement in which the rodent is trapped to prevent escape of the rodent from the cavity, the removable insert receptacle further preventing escape of the rodent from the cavity during disposal of the rodent from the cavity.

24. The device of claim 23, wherein the removable insert receptacle is made of a non-destructible material through which the rodent is unable to gnaw and claw to escape therefrom.

25. The device of claim 23, wherein said cover resembles an exterior vent.

26. The device of claim 25, wherein said cover resembles an exhaust vent.

27. The device of claim 23, wherein said cover resembles an interior vent.

28. The device of claim 27, wherein said cover resembles a heat vent.

29. A rodent trap, comprising:

a) a base including a wall portion operatively connected to a floor portion;

b) a cover including a front portion, a top, and sides, said top and said sides interconnecting said wall portion and said front portion, wherein said base and said cover cooperate to define a cavity between said wall portion and said front portion, said cover

including an opening allowing access to said cavity, said cavity being configured and arranged to contain a rodent;

c) a platform operatively connected to said wall portion within said cavity, said platform being elevated with respect to said floor portion;

d) climbing assisting members extending at an upward angle proximate said floor portion and said opening in said cover to said platform, said climbing assisting members allowing the rodent to climb from said floor portion to said platform; and

e) a trap assembly operatively connected to said platform within said cavity proximate said climbing assisting members, said trap assembly allowing the rodent to enter said cavity and preventing the rodent from exiting said cavity, said trap assembly providing an only entrance into said cavity, said platform elevating said trap assembly thereby assisting in preventing contaminants from entering said trap assembly, said cover also assisting in preventing contaminants from entering said cavity, the wall portion, the floor portion, the front portion, the top, the platform, the climbing assisting members, and the trap assembly forming an area of confinement in which the rodent is trapped thereby preventing escape of the rodent from the cavity.

30. The rodent trap of claim 29, further comprising a lock member operatively connected to said cover and a lock receiver operatively connected to said base, said lock member engaging said lock receiver when said cover is operatively connected to said base thereby releasably locking said cover to said base.

31. The rodent trap of claim 29, wherein said wall portion includes an aperture through which a fastener is inserted to secure said wall portion to a wall.

32. The rodent trap of claim 29, wherein said floor portion includes an aperture through which a fastener is inserted to secure said floor portion to a floor.

33. The rodent trap of claim 29, further comprising a ledge operatively connected to said base above said platform, said ledge and said cover assisting in preventing contaminants from entering said trap assembly and said cavity.

34. The rodent trap of claim 29, further comprising a removable insert receptacle configured and arranged to fit within said cavity, said trap assembly providing access to said removable insert receptacle, said removable insert receptacle containing the rodent within the cavity and being made of a non-destructible material thereby preventing escape of the rodent.

35. The rodent trap of claim 34, further comprising a maintenance card within said cavity, wherein said cover and said removable insert receptacle prevent contaminants from contacting said maintenance card.

36. The rodent trap of claim 29, wherein said cover has an appearance of a vent.

37. A rodent trap, comprising:

a) a base having a wall portion operatively connected to a floor portion, said wall portion including an elevated platform;

b) a cover cooperating with said base to define a cavity, said cavity containing said elevated platform;

c) climbing assisting members interconnecting said floor portion and said elevated platform; and

d) a trap assembly operatively connected to said elevated platform, said elevated platform elevating said trap assembly within said cavity relative to said floor portion, wherein said base, said cover, and said elevated platform assist in preventing contaminants from entering said trap assembly and said cavity, said wall portion, said floor portion, said elevated platform, said cover, said climbing assisting members, and said trap assembly forming an area of confinement in which the rodent is trapped to prevent escape of the rodent from the cavity.

38. The rodent trap of claim 37, wherein said cover has an appearance resembling a vent.

39. The rodent trap of claim 37, further comprising a ledge operatively connected to said base above said platform, said ledge and said cover assisting in preventing contaminants from entering said trap assembly and said cavity.

40. The rodent trap of claim 37, further comprising a lock member operatively connected to said cover and a lock receiver operatively connected to said base, said lock member engaging said lock receiver when said cover is operatively connected to said base thereby releasably locking said cover to said base.

41. The rodent trap of claim 37, further comprising a removable insert receptacle configured and arranged to fit within said cavity, said trap assembly providing access to said removable insert receptacle, said removable insert receptacle containing the rodent within the cavity and being made of a non-destructible material thereby preventing escape of the rodent.

42. The rodent trap of claim 41, further comprising a maintenance card within said cavity, wherein said cover and said removable insert receptacle prevent contaminants from contacting said maintenance card.

43. A rodent trap, comprising:

a) a housing including a cavity and an opening, said cavity being configured and arranged to contain a rodent;

b) an elevated trap assembly contained within said cavity, said opening providing access to said elevated trap assembly and said elevated trap assembly providing access to said cavity, said trap assembly allowing the rodent to enter said cavity and preventing the rodent from exiting said cavity; and

c) climbing assisting members assisting the rodent in accessing said trap assembly and entering said cavity, said housing, said elevated trap assembly, and said climbing assisting members forming an area of confinement in which the rodent is trapped to prevent escape of the rodent from said cavity, wherein said trap assembly provides an only entrance into said cavity thereby hindering contaminants from entering said cavity through said elevated trap assembly.

44. The rodent trap of claim 43, wherein said housing includes an aperture through which a fastener is inserted to operatively connect said housing to a structure.

45. The rodent trap of claim 44, wherein said housing has an appearance of a vent attached to the structure.

46. The rodent trap of claim 43, wherein said housing includes a base and a cover.

47. The rodent trap of claim 46, further comprising a lock member operatively connected to said cover and a lock receiver operatively connected to said base, said lock member engaging said lock receiver when said cover is operatively connected to said base thereby releasably locking said cover to said base.

48. The rodent trap of claim 43, further comprising a removable insert receptacle configured and arranged to fit within said cavity, said elevated trap assembly providing access to said removable insert receptacle, said removable insert receptacle containing the rodent within the cavity and being made of a non-destructible material thereby preventing escape of the rodent.

EVIDENCE APPENDIX

None.

RELATED PROCEEDINGS APPENDIX

Not applicable.